

MODEL NON-RESIDENTIAL SITE PLAN REGULATIONS

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Prepared by the



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INTRODUCTION

The goals of the NRPC Model Non-Residential Site Plan Regulations are to assist local communities with their site plan review efforts and to ensure new non-residential and multi-family development meets high standards for design and environmental protection. The model regulations incorporate the latest State of New Hampshire requirements for the site plan review process and also incorporates best practices in site design for urban, suburban and rural communities.

The model regulations present site plan regulation language that communities can use as a base for Planning Board adoption of their own regulations at an advertised public hearing. The language should be modified to reflect local goals as defined in the community's Master Plan and/or Zoning Ordinance. The model regulations include the following topics:

- Purpose, Applicability and Authority.
- Definitions.
- Application Process.
- Review Process.
- Design Standards including those relating to building orientation; pedestrian, bicycle and vehicle circulation; landscaping; water resources; utilities; nuisances and fire protection.
- Post-Approval Standards.
- Enforcement, Appeals, Fines/Penalties.
- Separability and Amendment Procedures.

The model regulations are accompanied by "plain English" descriptions of the purpose and intent of each section. These descriptions are highlighted in *red text* on the left side of each page. However, certain design criteria in the model regulations may not be applicable specifically to rural communities. In these cases, descriptions relating only to rural communities are highlighted in *green text*. Photographs and diagrams are also included to illustrate the results of implementing the regulations. The diagrams may be included in any adopted site plan regulations based on this model. Some sections of the model regulations make reference to appendices. Language for the appendices are not provided in this document. Specific design criteria presented in appendices will vary considerably from community to community and further research will be needed in order to provide the requirements listed in any appendix.

These model site plan regulations are intended to be an educational tool and resource for Planning Boards and are not intended to be adopted verbatim or in their entirety. Each community will have different planning priorities. It is recommended that any language that is used to develop official site plan regulations, whether taken from this document or otherwise, be reviewed before adoption by a land use Attorney practicing in the State of New Hampshire.

AN OVERVIEW OF SITE PLAN REGULATIONS

Site plan regulations are adopted by the Planning Board after conducting a properly noticed public hearing. Site plan regulations provide the basis for controlling the design of non-residential and multi-family development in the interest of the public health, safety and welfare. The capacity to adopt such regulations is authorized by the State of New Hampshire Revised Statutes Annotated (RSA) 674:43, *Power to Review Site Plans* and RSA 674:44, *Site Plan Review Regulations*. The most up to date RSAs are available from the State of New Hampshire and on its web site at: <http://gencourt.state.nh.us/rsa>. In order to adopt site plan regulations, a community must first adopt a zoning ordinance and subdivision regulations.

To adopt or amend site plan regulations, the Planning Board must follow the requirements of RSA 675:6, *Method of Adoption*. The procedure includes holding a public hearing with 10 days notice as to the time and place of the hearing. The notice should indicate where the full text of the proposed regulations, or amendments to the regulations, can be viewed. The Planning Board must receive public comment, if any, at the hearing and then may adopt or amend site plan regulations by an affirmative vote of a majority of its members. The site plan regulations then need to be certified by the Planning Board and filed with the Town or City Clerk.

Once adopted, site plan regulations are the standards used by the Planning Board to review commercial, industrial and multi-family development proposals. These proposals can vary from small rural home businesses to large urban office-retail parks or apartment buildings. The regulations set out the purpose for review, the procedures required to complete the review, and the design standards that must be adhered to unless waived by the Planning Board. Planning Boards should encourage applicants for site plan approval to engage in an informal discussion with either the Board or its designee (Town Planner or Circuit Rider Planner) before submitting a full site plan application, especially if the applicant is unfamiliar with the local community. For large development proposals, such informal discussions are highly recommended and procedures for such a discussion are outlined in these model regulations.

The purpose section sets the stage for the rest of the site plan review process and clearly outlines the reasons the Planning Board has adopted the regulations. The site plan regulations outline the conditions for the use of land. The conditions are designed to protect the public health, safety and welfare. The uses are defined in the Zoning Ordinance.

The capacity to adopt these regulations and to conduct site plan review is authorized by the NH Revised Statutes Annotated.

Clearly stating the type of development subject to site plan review reduces ambiguity for both the Planning Board and the developer.

Rural communities may wish to subject all non-residential development proposals to site plan review. Developments of less than 1,000 square feet are likely to have a greater impact on a small community than on a large one.

1. PURPOSE, APPLICABILITY AND AUTHORITY.

- 1.1. Purpose.** The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all site plans for the development, redevelopment, change or expansion of uses on tracts of land for all uses other than one and two family residences, prior to the issuance of a building permit. These site plan regulations apply whether or not such development includes a subdivision or resubdivision of land. The site plan review provisions set forth herein are intended to protect the public health and safety, promote the general welfare of the community and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; pedestrian and bicycle safety and access; emergency access; water supply; sewage disposal; site aesthetics; management of stormwater, erosion, and sedimentation; protection of groundwater; protection of wildlife habitat, fisheries and unique natural areas; protection of historic and archaeological resources; reduction of adverse impacts on adjacent properties; and harmonious placement into the fabric of the community.
- 1.2. Authority.** These regulations are adopted pursuant to the authority given Planning Boards in New Hampshire Revised Statutes Annotated (RSA) 674:43, *Power to Review Site Plans*, and RSA 674:44, *Site Plan Review Regulations*.
- 1.3. Applicability.**
 - 1.3.01. Uses Requiring Site Plan Approval.** All nonresidential uses of land and multifamily structures shall require site plan approval prior to the issuance of a building permit, whether or not such development includes a subdivision or resubdivision of land. Specific developments that require site plan approval shall include, but are not limited to, the following:
 - a. The construction or placement of any new nonresidential structure, including accessory structures, of a total floor area of one thousand (1,000) square feet or more.
 - b. The expansion of an existing nonresidential structure, including accessory structures, that increases the total floor area.
 - c. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use or a mixed use.
 - d. The establishment of a new nonresidential use even if no structures are proposed, including uses such as gravel pits, cemeteries, golf courses and other nonstructural nonresidential uses.
 - e. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the use such that it increases the intensity of on- or off-site impacts.

Listing uses exempt from site plan review further clarifies the uses subject to these regulations. Uses that are exempt include agricultural and forestry activities as defined in RSA 21:34.a and regulated per RSA 672:1.III-c, Forestry, and RSA 674:32.a, Agricultural Uses.

Section 1.3.02.c. clarifies that nonresidential activities not specifically listed in Section 1.3.01 are exempt from site plan review.

Definitions serve several functions: 1) they establish the meaning of a word or phrase that might be subject to various interpretations or may be ambiguous; 2) they simplify the text and eliminate the need to explain the term repeatedly; and 3) they translate technical terms into usable terminology.

- f. The construction of a multifamily structure or the conversion of an existing residential structure containing one or two dwelling units to a multifamily structure.
- g. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives and parking lots, involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

1.3.02. *Exempted Uses.* The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

- a. Agricultural activities, including agricultural structures. Large commercial "farm-stands" in which 35% or more of the items for sale are not produced within the municipality shall, however, require site plan review if they otherwise meet the criteria for site plan review.
- b. Timber harvesting and forest management activities.
- c. Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this Section.

1.3.03. *Uncertain Applicability.* In cases where there is uncertainty as to whether a development proposal is subject to site plan review, the Planning Board shall make a determination, in writing, as to whether site plan review is required, and what level of review is necessary.

2. DEFINITIONS.

2.1. **General Definitions.** For the purpose of these regulations, certain rules of construction apply to the text, as follows:

- a. Words used in the present tense include the future tense and the singular includes the plural, unless the context indicates otherwise.
- b. The word "person" includes a corporation or firm as well as an individual.
- c. The word "structure" includes the word "building."
- d. The word "lot" includes the word "plot," "tract", or "parcel."
- e. The term "shall" shall be construed to mean mandatory and not discretionary; the word "should" shall be construed to mean highly encouraged and the word "may" shall be construed to mean permitted but not mandatory.
- f. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
- g. Any word or term not herein defined shall be used with a meaning of common standard use.

2.2. Specific Definitions. For the purposes of these regulations, the following definitions shall apply to the text, as follows:

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Access Management: Providing or managing access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed.

Accessory Building: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Active and Substantial Development: The threshold level of work as determined by the Planning Board, with due regard for the scope and detail of a particular project, which shall constitute a sufficient level of activity being conducted for the purpose of fulfilling paragraph I of NH RSA 674:39, Four Year Exemption.

Americans with Disabilities Act (ADA): Americans with Disabilities Act of 1990; broad legislation mandating provision of access to employment, services and the built environment to those with disabilities.

Antenna: Any exterior apparatus designed for telephonic, radio, television, personal communications (PCS), pager networks or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

Applicant: A person or persons submitting an application for development.

Application: The form and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.

Approval: Recognition by the approving authority, in most cases the Planning Board, certified by written endorsement on the plan / plat, that the final submission meets the requirements of these regulations and satisfies, in the judgement of the approving authority, all criteria of good planning and design.

Approval, Conditional: Recognition by the approving authority that the plan/plat is approved, contingent on the completion of specific tasks or items required for final approval. These items shall only be administrative in nature and may be placed under time limits for completion. Until all the requirements for an approval have been met, a conditional approval does not constitute, or shall be construed as approval, either implied or granted, of the plan/plat, nor does it bind the approving authority to approval of the final plan/plat.

Arterial Road: A road whose primary function is mobility, moving people and goods over long distances quickly and efficiently.

As-Built Plan: A scaled engineering drawing depicting the actual placement of site elements on the landscape.

Berm: A mound of soil, either natural or manmade, used to obstruct views.

Best Management Practices (BMP): In the context of stormwater management, a proven or accepted structural, non-structural, or vegetative measure the application of which reduces erosion, sediment or peak storm discharge, or improves the quality of stormwater runoff.

Bicycle Facility: A pathway, often paved and separated from streets and sidewalks, designed to be used by bicyclists.

Buffer. The area between parcels within a zoning district or between zoning districts that shall be landscaped to provide a visual screen and to absorb noise, dirt, dust and litter, pursuant to the standards in these regulations.

Chicane: A form of curb extension that alternates from one side of the street to the other.

Choker: A barrier to traffic at the intersection of two streets in which one direction of the street is blocked, but traffic from the opposite direction is allowed to pass through.

Co-location: The use of an existing tower or an existing telecommunications facility for duplicate or multiple purposes and uses.

Color Rendering Index (CRI): A measurement of the amount of color shift that objects undergo when lighted by a light source as compared with the color of those same objects when seen under a reference light source of comparable color temperature. CRI values generally range from 0 to 100, where 100 represents incandescent light.

Collector Road: A road connecting arterial roads to local roads, whose function is divided between providing mobility and access.

Commercial Hauler: Any person who owns, operates or leases vehicles for the purpose of contracting to collect or transport solid waste and/or source separated materials from residential, commercial or industrial properties.

Curb: A stone, concrete or other improved boundary usually marking the edge of the roadway or paved area.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Cutoff Angle: The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

Critical Areas: Disturbed areas of any size within 50 feet of a stream, bog, waterbody or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.

Deceleration Lane: Right turn lanes and tapers removing turning and slow moving vehicles from the travel lane of the road.

Decibel: A standard unit of acoustic measurement having a zero-reference of two ten-thousandth (0.0002) microbar. Microbar is a unit of pressure measurement.

Deed Restriction: A restriction of the use of land set forth in the deed.

Development: Any construction or land construction or grading activities other than for agricultural and silvicultural practices.

Direct Light: Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Disturbed Area: An area where the natural vegetation has been removed, exposing the underlying soil, or where it has been altered by human activity.

Driveway: A private roadway providing access to a street or highway.

Dwelling Unit: A room or group of rooms located within a dwelling forming a habitable unit for one family.

Easement: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation or another person or entity.

Elevation, Building: The view of a vertical plane of one side of a building.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Façade, Building: The face of a building.

Farm/Farming: This term shall have the same meaning as that set forth in RSA 21:34-a, as amended.

Fill: Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

Fixture: The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

Floodplain: Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Forced Turns: A form of traffic island that prevents traffic from executing specific movements at an intersection.

Frontage: The length of any one property line of a premises which abuts a legally accessible street right-of-way.

Flood or Spot Luminaire: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Full-Cutoff (FCO): A light fixture with a shield such that all of its light output is aimed below horizontal to the ground. Full cutoff fixtures cutoff all upward transmission of light.

Glare: Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see.

Hazardous Waste: Any refuse, sludge, or other waste material or combination of in a solid, semi-solid, liquid or contained gaseous form which because of its quantity, concentration, chemical, physical, or infectious characteristics may: 1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Categories of hazardous waste material include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste material as defined by the Atomic Energy Act of 1954, as amended.

Height of Luminaire: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire.

Highly Erodible Soils: Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*.

IESNA: Illuminating Engineering Society of North America. An organization that recommends standards for the lighting industry.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, driveways, parking areas, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surface.

Indirect Light: Direct light that has been reflected off other surfaces not part of the luminaire.

Lamp: The component of a luminaire that produces the actual light.

Light Pollution: Night-sky brightness (skyglow) caused by the scattering of light in the atmosphere. Sources include light projected above the horizontal plane or light reflected from illuminated sources such as roadways.

Light Trespass: The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located.

Local Road: A road whose primary function is to provide access to adjacent development.

Locus Map: A map depicting the location of the subject site, subdivision or location within a larger

geographic area, such as a neighborhood, municipality or region, for the purpose of identifying the relative location.

Lot: A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, or by group dwellings and their accessory buildings together with such open spaces as are required, having at least the minimum area required for a lot in the zoning district in which such lot is located and having adequate principal frontage on a public street.

Lumen: A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of these regulations, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture.

Median: A barrier placed between lanes of traffic flowing in opposite directions or between parking spaces.

Multifamily Structure: A building containing three or more dwelling units, including units that are located one over the other.

Noise: A loud and/or unwanted sound. [See Sound]

Nonresidential Use of Land: Any use of land excluding uses that are solely for residential purposes.

Nuisance: A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance or inconvenience.

Odor: The property or quality of a thing that affects, stimulates or is perceived by the sense of smell. The perception experience when one or more chemicals come in contact with the olfactory nerves and stimulate the olfactory nerve.

Off-Street Loading: Designated areas located adjacent to buildings where trucks may load and unload cargo.

Off-Street Parking Space: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

On-Street Parking Space: A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

Parking Aisle: The area of a parking lot that allows motor vehicles ingress and egress from the driveways or streets.

Parking Lot: An outdoor area where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

Parking Space: A temporary storage area for a motor vehicle.

Pedestrian: A person traveling on foot; a walker. A person operating a pushcart; a person riding on, or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar conveyance, or on roller skates, skateboard, wheelchair or a baby in a carriage.

Pedestrian District: Districts characterized by dense mixed-use development with a concentration of pedestrian-generating activities. Improvements in the right-of-way provide for the ease of pedestrian movement through the use of appropriate design treatments.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Plat: 1) a map showing actual or planned features, such as streets and building lots; or 2) a map of a town/city, section or subdivision indicating the location and boundaries of individual properties.

Project Area: The area within the subdivision or site plan boundaries.

Protected Parking: A landscaped island projecting out from the curb, separating parking bays from other uses.

Right-of-way: An easement held by the municipality or the state over land owned by the adjacent property owners that allows the holder to exercise control over the surface and above and below the ground of the right-of-way. Property owners are typically responsible for the construction of transportation improvements adjacent to their property. The municipality or the state maintains the street, while the property owner is responsible for maintaining the sidewalk.

Road: See STREET.

Road Undulations: Raised humps in the paved surface of a street that extend across the driveway.

Roundabout: An intersection control measure composed of a circular, raised, center island with deflecting islands on the intersecting streets to direct traffic movement around the circle. Roundabouts shall meet the design requirements of FHWA, *Roundabouts: An Informational Guide*, publication #FHWA RD-00-067, 2001 or its successors.

Rumble Strips: Patterned sections of rough pavement or cobblestone strips across a street that cause a slight vibration in a motor vehicle.

Scaled Plan: A plan, not necessarily prepared by a professional engineer or surveyor, usually at a scale of 1" = 40' or 1" = 50', that shows sufficient detail to enable the Planning Board or Minor Site Plan Review Committee to review such plans according to the provisions of Section 3.3.1. A pre-existing septic design or subdivision plan may be deemed appropriate for this review, or the reviewing body may require additional information to be placed on such plans to enable sufficient and detailed review.

Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Setback: The distance between any building and the lot line on a parcel of land. Typically described as front, side and rear setback.

Semi-Diverter: A barrier to traffic at the intersection of two streets in which one direction of the street is blocked, but traffic from the opposite direction is allowed to pass through.

Sidewalk: An improved facility intended to provide for pedestrian movement; usually, but not always, located in the public right-of-way adjacent to a roadway. Typically constructed of concrete.

Sidewalk Corridor: The portion of the pedestrian system from the edge of the roadway to the edge of the right-of-way, generally along the sides of streets, between street corners. The sidewalk corridor functions to provide an environment for walking that is separated from vehicle movement.

Site Specific Soil Mapping Standards: Soil mapping standards consistent with the National Cooperative Soil Survey Standards, acceptable to the New Hampshire Department of Environmental Services under authority of RSA 485-A.

Solid Waste: Garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations and from community activities. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids or dissolved material in domestic sewage or resources, such as silt. It does not include dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under Section 402 of the Federal Waste Pollution Control Act, as amended. It also does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid Waste Storage: The holding of solid waste near the point of generation.

Sound: An oscillation in pressure, partial velocity or other physical parameter in a medium with internal forces that cause compression and refraction of the medium.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks, used for the measurement of sound in a specified manner and calibrated in decibels.

Special Exception: A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the Zoning Board of Adjustment.

Stabilized: When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay or straw mulch (2 tons/acre). Mulch is only a temporary measure; ultimately, the site needs vegetation.

Stormwater Runoff: The water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.

Stream: Areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U.S. Geological Survey Maps.

Street: Any vehicular way that is: 1) an existing state or municipal roadway; 2) shown upon a plat approved pursuant to law; or 3) approved by other official action; including rights-of-way, whether improved or unimproved.

"T" Intersection: An at-grade intersection where one of the intersecting legs is perpendicular to the other two.

Tax Map: The recorded map of delineated lots or tracts in a municipality showing boundaries, bearings, sizes and dimensions, including the sheet and lot number.

Telecommunications Facility: Any structure, antenna, tower, or device that provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) and personal communications services (PCS), and common carrier wireless exchange access services.

Temporary Decorative Lighting: The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 30 days, with at least 180 days passing before being used again. All seasonal and temporary lighting should be rated less than 1,800 lumens.

Tower: A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supported lattice towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

Traffic Study: A traffic impact study to determine the effect of a proposed development, both on and off site, and propose appropriate mitigation measures.

Traffic Calming: Methods for slowing traffic to prevent conflicts with pedestrians, bicycles and other slow moving vehicles.

Variance: Permission to depart from the literal requirements of a zoning ordinance as granted by the Zoning Board of Adjustment.

Waiver: Permission to depart from the requirements of a regulation with respect to submission of required documents or specific actions required.



Walkway: A pedestrian facility, whether in the public right-of-way or on private property, which is provided for the benefit and use of the public.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*A **minor** development includes nonresidential activities with relatively small floor area, small multi-family structures or home businesses. A **major** development includes nonresidential activities with large floor areas, large multi-family structures, drive-through facilities and developments with **regional impacts**. Review procedures (see Diagram 3.0) are specifically defined in RSA 676:4, Board's Procedures on Plats, and therefore many of the timeframes, notification requirements and other review procedures are required by state law.*

In larger communities with adequate Planning staff and/or a heavy application load, minor developments can be reviewed in-house by a Minor Site Plan Review Committee appointed by the Planning Board. This committee plays the same role as the Planning Board for developments unlikely to have significant impact on the community. Controversial or difficult decisions can be referred to the Planning Board.

In rural communities with limited Planning staff, all developments should be treated as "major" developments and be reviewed by the Planning Board with input from the Planning Board's representative, if there is one. In this case, Section 3 of these regulations should be modified to eliminate all references to the Minor Site Plan Review Committee.

3. APPLICATION AND REVIEW PROCESS.

The following section outlines the review procedures for developments requiring Site Plan review. The Planning Board shall classify each project as a major or minor development. Minor developments are smaller in scale, less complex projects for which a simplified review process is adequate to protect the town/city's interests. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

3.1. Authority. This Section is adopted pursuant to the authority given Planning Boards in NH RSA 676:4, *Board's Procedures on Plats*.

3.2. Planning Board Responsibilities. The Planning Board is responsible for the review of all Major Site Plans and of any Minor Site Plan for which the applicant requests Planning Board review. The Planning Board may conduct Minor Site Plan review if recommended by the Minor Site Plan Review Committee.

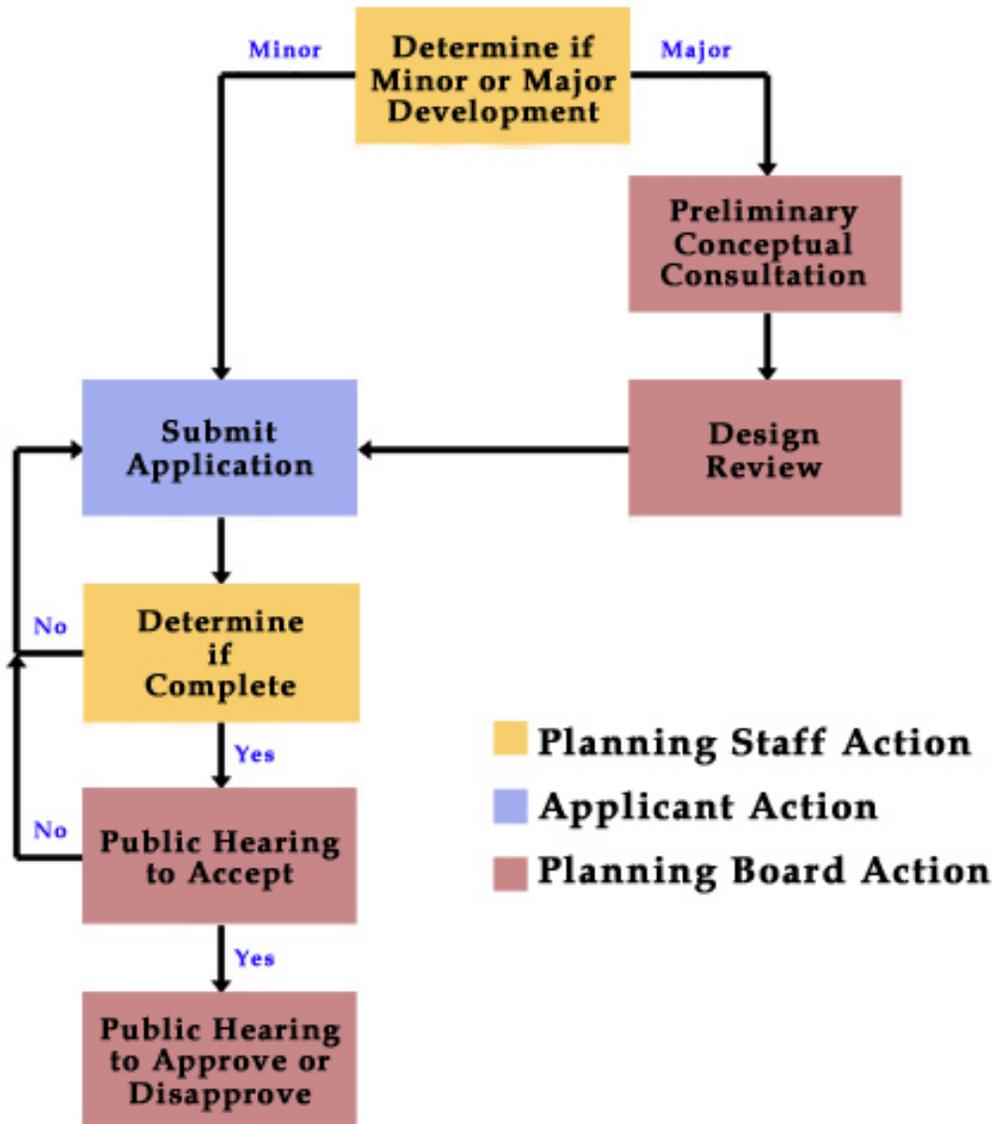
3.2.01. *Delegation of Planning Board Review Authority.* In accordance with RSA 674:43 (III), the authority of the Planning Board to review certain minor site plan review projects is hereby delegated to the Minor Site Plan Review Committee ("Committee") in accordance with the provisions of this Section. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Minor Site Plan Review Committee.

3.2.02. *Minor Site Plan Review Committee Composition.* The Minor Site Plan Review Committee shall consist of the Director of Planning and Development or Town/City Planner, the Town/City Engineer/Public Works Director, Code Enforcement Officer, Fire Chief and Assessor, or their official designees.

3.2.03. *Minor Site Plan Review Committee Responsibilities.*

- a. The Minor Site Plan Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Planning Board including the power to grant waivers and the power to approve, approve with conditions, or deny applications for minor site plan approval.
- b. Actions by the Committee to approve an application, with or without conditions, shall require the approval of a majority of those Committee members present and voting. A quorum shall consist of three members.
- c. The Planning Board shall hear all appeals to a Committee decision.
- d. The Committee may, upon request, provide recommendations to the Planning Board for any project undergoing major site plan review.

Diagram 3.0. Site Plan Review Process



The floor area of proposed developments meeting the “minor” development criteria should be tailored to the community in question based on the type of development proposals commonly submitted.

The first part of the minor site plan review process involves “accepting” the application. The community’s Planning staff can assist the applicant with providing all the necessary information required for a complete application. However, the Minor Site Plan Review Committee has the final say as to whether the application is complete.

If the application is deemed to be incomplete, then the applicant is responsible for providing the additional information.

3.3. Procedure for Minor Site Plan Review.

3.3.01. *Applicability.* The following activities shall be subject to minor site plan review:

- a. Any development activity or combination of activities that, within any four (4) year period, results in the construction of the following:
 - i. Between 1,000 and 4,999 square feet of new gross floor area;
 - ii. Between 2,500 and 9,999 square feet of new impervious surface; or
 - iii. A cumulative total of between 2,500 and 9,999 square feet of gross floor area and impervious surface.
- b. Construction of a multifamily development containing between three (3) and five (5) dwelling units.
- c. Changes of use that affect between 1,000 and 9,999 square feet of gross floor area.
- d. Construction of accessory buildings and structures between 1,000 and 4,999 square feet of gross floor area.
- e. Home businesses.

3.3.02. *Application Submission and Acceptance.* The Minor Site Plan Review Committee shall not act on any application for site development approval until the Committee has formally accepted the application for review. The applicant shall file a complete application with the Committee at least fifteen (15) days prior to the date upon which the applicant wishes the Committee to accept the application for minor site plan review. An application, sufficient to invoke the jurisdiction of the Committee and initiate the sixty-five (65) day review period, shall be formally submitted to and accepted by the Committee. Formal acceptance of an application shall require an affirmative vote of a majority of those Committee members present and voting.

3.3.03. *Determination of Completeness of Application.* An application shall be complete when an application form, all plan requirements (as outlined in Section 3.6) or waiver requests and fees (as outlined in Section 3.6) have been submitted to the Minor Site Plan Review Committee. For each item listed in Section 3.6, the applicant shall submit either the requested information or a request for a waiver from the plan requirement, pursuant to Section 3.3.04. All applications submitted without applicable plan requirements or fees shall be determined to be incomplete and shall be rejected for review by the Committee.

The Minor Site Plan Review Committee shall, at the next regular meeting or within thirty (30) days following the delivery of the application, determine whether the application is complete. If an item is missing from the application and no waiver has been requested for it, the Committee shall notify the applicant in writing that the application is not

For an application to be accepted, it must include all submission requirements or a waiver of certain submission requirements requested by the applicant and approved by the Committee.

Every application will be different and, in many cases, some of the submission requirements will not be applicable. The regulations allow for flexibility in submission requirements. However, the Minor Site Plan Review Committee should be careful not to waive submission requirements necessary for an adequate review of a proposed development.

The second part of the minor site plan review process is the review and approval/disapproval of the application. Following acceptance, the Committee has 65 days to review and vote on the application. This 65 day review period provides some certainty to the applicant that his/her application will be reviewed in a timely manner. In some cases, difficulties will prevent the review from being completed within 65 days. When this occurs, the Committee or the applicant can request an extension.

complete and request the additional information required. The applicant shall submit the additional information as soon as possible and the procedure in this paragraph shall be repeated until the application is complete.

3.3.04. *Waiver of Design Standards.* The applicant may request that the Minor Site Plan Review Committee waive any of the requirements contained in Section 3.6 through Section 14 of these regulations. Requests for waivers shall be submitted in writing, specifying the section number and justification for the request, and shall be included with the application submission. The Committee may permit waivers to be submitted in writing during the approval process at their discretion. The Committee shall vote to grant or deny the applicant's request for a waiver from a specific section of these regulations and the Committee's decision shall be recorded in the minutes of the meeting. The Committee may grant waivers prior to voting upon a minor site plan, in accordance with the following:

- a. The waiver shall be consistent with Section 3.5., *Review Standards.*
- b. A waiver may be granted if the requested information or requirement is deemed to be either not relevant to the application or otherwise not necessary to determine compliance with Section 3.5., *Review Standards.*
- c. A waiver may be granted for Section 3.6, *Plan/Plat Requirements*, if the Committee finds that the submission of that information is not necessary to make a determination that the proposal will satisfy Section 3.5., *Review Standards.*
- d. A waiver may be granted if the Committee finds that by doing so, the application will be brought closer into compliance with the goals of the Master Plan.

3.3.05. *Schedule of Action upon Application.* Upon formal acceptance of the application for site development approval, the Committee shall, within thirty (30) days, place the application and attached plans on its agenda. Within sixty-five (65) days of the formal acceptance of the complete application for final site development approval, the Committee shall vote to approve or disapprove the proposed site plan. The Committee may apply for and receive from the Board of Selectmen an extension not to exceed ninety (90) days before acting to approve or disapprove the proposed site plan. The applicant may waive the sixty-five (65) day limitation and agree to an extension of the period within which the Committee shall act.

Upon failure of the Committee to timely approve or disapprove the proposed site plan, the applicant may obtain from the Board of Selectmen an order directing the Committee to act within fifteen (15) days. Failure of the Committee to act upon such of the Board of Selectmen shall constitute grounds from the Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that proposal complies with existing site development, zoning or other ordinances.

No site plan before the Minor Site Plan Review Committee shall be approved without a public hearing. The public hearing takes place at a regularly scheduled meeting of the Committee. The hearing requires sufficient notice to the public and abutting property owners, as per RSA 675:7. Any interested party has the right to address the Committee at a public hearing.

Providing abutters and other parties with notice of the hearing within the required time frame is important as a failure to do so can delay the review. These regulations require the applicant to provide abutter labels, copies of the notification letter and postage and publishing costs.

Some communities may also require the posting of a notification sign on the site itself.

3.3.06. *Public Hearing.* In accordance with RSA 675:7, *Notice Requirements for Public Hearing*, the Committee shall not take action upon a site plan without first holding a public hearing thereon. Notice of the public hearing shall be provided to the applicant, abutters and general public as required by Section 3.3.7. At the public hearing, any applicant, abutter, holder of existing conservation, preservation or agricultural preservation restrictions, or individual with a direct interest in the application may testify in person or in writing. Notwithstanding the foregoing provisions of this Section, the Committee may disapprove an application for site development approval without a public hearing, based upon failure of the applicant to supply information required by these regulations, including abutters' notification, or failure to meet reasonable deadlines established by the Committee or failure to pay costs of the notice or other fees required by the Committee.

3.3.07. *Notifications.* The following parties shall be given at least ten (10) days notice of the meeting at which minor site plan review will occur:

- a. All abutters, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted shall be notified via registered mail. The names and addresses of abutters shall be submitted on self adhesive labels not more than five (5) days before the day of filing.
- b. The general public shall be notified by posting a copy of the written notice at two public places and by printing a notice in a newspaper of general circulation.

Notices shall include a general description of the proposed development, the name of the applicant, the location of the property which is to be developed and the time, date and place of the meeting or public hearing. When computing the period for notification, the day of mailing, posting or publication and the day of the meeting shall not be counted. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall be valid grounds for the Minor Site Plan Review Committee to terminate consideration of the application for design review.

If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing shall not be required. Notice of an adjourned session of a hearing shall not be required provided that the date, time and place of the adjourned session are announced at the prior meeting.

3.3.08. *Determination of Regional Impact.* In accordance with RSA 36:56, *Review Required*, the Minor Site Plan Review Committee shall make a determination as to whether the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. If the Committee makes a determination that the development has the potential for regional

If a proposed development is determined by the Committee to be of “[Regional Impact](#)” then the application is automatically considered a major development and must be reviewed by the Planning Board. It is recommended that the Planning Board also request comments from the Regional Planning Commission in this case.

It is unlikely that a minor development will be considered of regional impact unless it potentially generates extensive traffic, consumes extensive amounts of water, impacts water quality, is located in a major regional highway corridor, or has an impact on a sensitive area in an abutting community.

Conditional approval should only be granted when the conditions are administrative in nature and do not change the design.

Typical conditions include: obtaining state wetlands dredge and fill permit; obtaining state septic approval; obtaining state subdivision approval (if the site plan is in combination with a subdivision); obtaining approval for access to a state road; the addition of notes approved by the Committee at a public hearing; and other minor drawing details that do not affect the final design.

impact, the application shall be considered to be a major site plan subject to review by the Planning Board and the review procedures outlined in Section 3.3. Within seventy-two (72) hours of reaching a decision that the development has the potential for regional impact, the Committee shall submit, via certified mail, to the Regional Planning Commission and the affected municipalities copies of the minutes of the meeting at which the determination of regional impact was made

In determining whether a project has regional impact, the Committee may consider, but is not limited to the consideration of, such factors as: the relative size or number of dwelling units compared to the existing housing stock, the proximity to the borders of a neighboring community, transportation networks, anticipated emissions or environmental impacts such as light, noise, smoke, odors, or particles, the proximity to aquifers or surface waters which transcend municipal boundaries, and shared facilities such as schools, wastewater treatment plants, and solid waste disposal facilities.

3.3.09. *Actions Prior to Approval.* Whenever these regulations require the posting of a performance guarantee bond, such bond shall be posted prior to receiving final approval. Upon receipt of any required bond, the Committee will make a final review of the plans and application to determine their conformance with these and other applicable regulations and ordinances.

3.3.10. *Manner of Approval.* Approval of the site plan shall require the approval of a majority of those Committee members present and voting. Upon approval, the plat is certified by the signature of the Planning Board Chair and Vice Chair and the date of approval.

3.3.11. *Conditions of Approval.* The Committee may grant conditional approval of an application. If the remaining actions on the application are administrative in nature, do not involve discretionary judgment by the Committee, and/or involve the possession of permits and approvals granted by other Committees or agencies such as the Conservation Commission, a further public hearing is not required to grant final approval. A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4, I(i). Final approval will be granted when all conditions have been met to the satisfaction of the Committee. If the conditions are not met by the next regular monthly meeting after the date at which conditional approval was granted, the Committee will determine the appropriate action to be taken on the application.

3.3.12. *Denial.* If the Committee determines that the proposed site development does not meet all of the applicable requirements, it shall vote to deny the application. The reasons for denial will be clearly stated in the Committee's records and shall be communicated to the applicant in writing within ten (10) days of the vote.

The floor area of proposed developments meeting the "major" development criteria should be tailored to the community in question based on the type of development proposals commonly submitted.

The first part of the major development review process is the optional preliminary conceptual consultation. The purpose of the conceptual consultation is to discuss the broader issues relating to development of the site. Abutters need not be notified, although some communities do so via regular mail as a courtesy. No formal plans should be submitted but an existing conditions sketch is useful at this stage. A conceptual discussion helps the developer understand the community's ordinances and regulations, the Planning Board's concerns and helps the Planning Board understand the applicant's objectives.

3.4. Procedure for Major Site Plan Review.

3.4.01. *Applicability.* The following activities shall be subject to major site plan review:

- a. Any development activity or combination of activities that, within any four (4) year period, results in the construction of the following:
 - i. 5,000 square feet or more of new gross floor area;
 - ii. 10,000 square feet or more of new impervious surface; or
 - iii. A cumulative total of 10,000 square feet or more of gross floor area and impervious surface.
- b. Construction of a multifamily development containing six (6) or more dwelling units.
- c. Changes of use that affect 10,000 square feet or more of gross floor area.
- d. Construction of accessory buildings and structures of 5,000 square feet or more of gross floor area.
- e. Any use that results in the construction of a drive-through window.
- f. Any development with a potential for regional impact.

3.4.02. *Preliminary Conceptual Consultation.* In accordance with RSA 676:4 II (a), *Preliminary Conceptual Consultation Phase*, the applicant may choose to undertake preliminary conceptual consultation of an application with the Planning Board prior to the formal submission of a final application. The preliminary conceptual consultation provides an opportunity for the applicant and the Planning Board to discuss the concept of the proposal in the context of the Master Plan, Zoning Ordinance and regulations. All discussions during the preliminary conceptual consultation phase are non-binding.

Submissions for preliminary conceptual consultation shall adhere to the following procedures:

- a. The applicant shall make an appointment with the Planning Board's secretary no later than fifteen (15) days prior to the regular meeting at which the applicant is requesting to be heard.
- b. The applicant shall bring in a preliminary application and a sketch of the site that provides minimal detail of the proposal. However, preliminary sketches shall show sufficient information about the development to form a clear basis for discussion of potential problems and for the preparation of the design review plans or final plans.
- c. The Planning Board shall review the proposal with regard to the Master Plan and the Zoning Ordinance and provide guidance relative to state and local regulations.

The second part of the major development review process is the optional design review. Planning Boards should strongly recommend that applicants participate in design review. The purpose of the design review is to discuss specific issues relating to development of the site, such as design and engineering details. Abutters must be notified of a design review meeting via registered mail.

Draft site plans should be submitted at this stage. A design review discussion helps the developer understand the Planning Board's specific concerns and helps the Planning Board understand the developer's intentions for the site.

- d. The conceptual consultation does not require formal notification of abutters. However, applicants are encouraged to consult with abutters and incorporate any input received into any sketch plan presented to the Planning Board.

3.4.03. *Design Review.* In accordance with RSA 676:4 II (b), *Design Review Phase*, the applicant may choose to undertake design review of an application with the Planning Board prior to the formal submission of a final application. The design provides an opportunity for the applicant and the Board to discuss the specific design and engineering details included in the application. All discussions during the design review phase are non-binding. The Minor Site Plan Review Committee shall not conduct any design review. Submissions for design review shall adhere to the following procedures:

- a. The applicant shall make an appointment with the Planning Board's secretary no later than thirty (30) days prior to the regular meeting at which the applicant is requesting to be heard.
- b. All abutters, holders of existing conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted shall be given at least ten (10) days notice of the meeting at which design review will occur via registered mail. Abutter lists shall be submitted not more than five (5) days before the day of filing. Notice to the general public shall be given by posting a copy of the written notice at two public places at least ten (10) days prior to the meeting. Notice shall also be printed in a newspaper of general circulation in the municipality at least ten (10) days prior to the meeting.
- c. Notices shall include a general description of the proposed development, the name of the applicant, the location of the property and the time, date and place of the meeting or public hearing. When computing the period for notification, the day of mailing, posting or publication and the day of the meeting shall not be counted. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall be valid grounds for the Board to terminate consideration of the application for design review.
- d. The applicant shall bring in a plat of the site that provides minimal detail of the proposal. However, design review plans shall show sufficient information about the development to form a clear basis for discussion of potential problems and for the preparation of the final plans.
- e. The Board shall review the proposal with regard to Zoning Ordinance and site design and engineering standards.

The third part of the major development review process involves “accepting” the application. The community’s Planning staff can assist the applicant with providing all the necessary information required for a complete application. However, the Planning Board has the final say as to whether the application is complete.

If the application is deemed to be incomplete, then the applicant is responsible for providing the additional information.

For an application to be accepted, it must include all submission requirements or a waiver of certain submission requirements requested by the applicant and approved by the Planning Board.

Every application will be different, and in many cases some of the submission requirements will not be applicable. The regulations allow for flexibility in submission requirements. However, the Planning Board should be careful not to waive submission requirements necessary to an adequate review of a proposed development.

3.4.04. *Application Submission and Acceptance.* The Planning Board shall not act on any application for site development approval until the Board has formally accepted the application for review. The applicant shall file a complete application (as defined in Section __) with the Board at least fifteen (15) days prior to the date upon which the applicant wishes the Board to accept the application for site development approval. An application, sufficient to invoke the jurisdiction of the Board and initiate the running of sixty-five (65) day review period, shall be formally submitted to and accepted by the Board. Formal acceptance of an application shall require an affirmative vote of a majority of the members of the Board.

3.4.05. *Determination of Completeness of Application.* An application shall be complete when an application form, all plan requirements (as outlined in Section 3.5) or waiver requests and fees (as outlined in Section 3.6) have been submitted to the Planning Board. For each item listed in Section 3.5, the applicant shall submit either the requested information or a request for a waiver from the plan requirement, pursuant to Section 3.4.06. All applications submitted without applicable plan requirements or fees shall be determined to be incomplete and will be rejected for review by the Board.

The Planning Board shall, at the next regular meeting or within thirty (30) days following the delivery of the application, determine whether the application is complete. If an item is missing from the application and no waiver has been requested for it, the Board shall notify the applicant in writing that the application is not complete and request the additional information required. The applicant shall submit the additional information as soon as possible and the procedure in this paragraph shall be repeated until the application is complete.

3.4.06. *Waiver of Design Standards.* The applicant may request that the Planning Board waive any of the requirements contained in Sections 3.6 through Section 14.0 of these regulations. Requests for waivers shall be submitted in writing, specifying the section number and justification for the request, and shall be included with the application submission. The Planning Board may permit waivers to be submitted in writing during the approval process at their discretion. The Board shall vote to grant or deny the applicant’s request for a waiver from a specific section of these regulations and the Board’s decision shall be recorded in the minutes of the meeting. The Planning Board may grant waivers prior to voting upon the final plan, in accordance with the following:

- a. The waiver shall be consistent with Section 3.5., *Review Standards.*
- b. A waiver may be granted if the requested information or requirement is deemed to be either not relevant to the application or otherwise not necessary to determine compliance with Section 3.5., *Review Standards.*
- c. A waiver may be granted for Section 3.6., *Plan/Plat Requirements*, if the Planning Board finds that the submission of that information is

Following acceptance, the Planning Board has 65 days to review and vote to approve or disapprove the accepted application. This 65 day review period provides some certainty to the applicant that his/her application will be reviewed in a timely manner. In some cases, difficulties will prevent the review from being completed within 65 days. In this case, the Board or the applicant can request an extension.

The Planning Board's designated representative may be a full or part time Planner hired by the community, a Regional Planning Commission "circuit rider" Planner hired on contract, or an outside consultant.

At a minimum, it is recommended that the town/city Engineer, Fire Department and Conservation Commission review the plans for major developments.

not necessary to make a determination that the proposal will satisfy Section 3.5., *Review Standards*.

- d. A waiver may be granted if the Planning Board finds that by doing so, the application will be brought closer into compliance with the goals of the Master Plan.

3.4.07. Schedule of Action upon Final Application. Upon formal acceptance of the final application for site development approval, the Planning Board shall, within thirty (30) days, place the application and attached plans on its agenda. Within sixty-five (65) days of the formal acceptance of the complete application for final site development approval, the Board shall vote to approve or disapprove the proposed site plan. The Planning Board may apply for and receive from the Board of Selectmen an extension not to exceed ninety (90) days before acting to approve or disapprove the proposed site plan. The applicant may waive the sixty-five (65) day limitation and agree to an extension of the period within which the Board shall act.

Upon failure of the Planning Board to timely approve or disapprove the proposed site plan, the applicant may obtain from the Board of Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Planning Board to act upon such of the Board of Selectmen shall constitute grounds from the Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that proposal complies with existing site development, zoning or other ordinances.

3.4.08. Review of Plat and Plans by Other Representatives.

- a. *Mandatory Reviews.* Prior to taking action on the site plan, the Planning Board shall refer the site plan to the Board's designated representative for review. The Board's designated representative shall review the application and plans to determine their compliance with all applicable statutes, ordinances and regulations and, if requested, to determine the various impacts which the proposed site development may have on the town/city. Upon completion of the plan review or impact study, the Board's designated representative shall provide the Board with a written report setting out his/her findings and recommendations.
- b. *Discretionary Reviews.* The Planning Board may, by majority vote, refer the site plan for review and comment to municipal officials and representatives, including but not limited to the Board of Selectmen, Board of Health, Conservation Commission, Fire Department, Historic Commission, Police Department, Public Works Department, Water Commission and/or Sewer Commission, and to representatives of federal and state agencies.

3.4.09. Public Hearing. In accordance with RSA 676:4(e), the Planning Board shall not take action upon a site plan without first holding a public hearing. Notice of the public hearing shall be provided to the applicant, abutters and general public as set in Section 3.4.10 herein. At the public hearing, any applicant, abutter; holder of existing

No site plan shall be approved without a public hearing. The public hearing takes place at a regularly scheduled meeting of the Planning Board. The hearing requires sufficient notice to the public and abutting property owners, as per RSA 675:7. Any interested party has the right to address the Committee at a public hearing.

Providing abutters and other parties with notice of the hearing within the required time frame is important as a failure to do so can delay the review. These regulations require the applicant to provide abutter labels, copies of the notification letter and postage and publishing costs.

Some communities may also require the posting of a notification sign on the site itself.

If a proposed development is determined by the Committee to be of "Regional Impact" then the abutting communities and the Regional Planning Commission must be notified. It is also recommended that the Planning Board request comments from the Regional Planning Commission.

conservation, preservation or agricultural preservation restrictions, or individual with a direct interest in the application may testify in person or in writing. Notwithstanding the foregoing provisions of this Section, the Board may disapprove an application for site development approval without a public hearing, based upon failure of the applicant to supply information required by these regulations, including abutters' notification, or failure to meet reasonable deadlines established by the Board or failure to pay costs of the notice or other fees required by the Board.

3.4.10. *Notifications.* In accordance with RSA 676:4 (d), the following parties shall be given at least ten (10) days notice of the meeting at which major site plan review will occur:

- a. All abutters, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted shall be notified via registered mail. Abutter lists shall be submitted not more than five (5) days before the day of filing.
- b. The general public shall be notified by posting a copy of the written notice at two public places and by printing a notice in a newspaper of general circulation.

Notices shall include a general description of the proposed development, the name of the applicant, the location of the property which is to be developed and the time, date and place of the meeting or public hearing. When computing the period for notification, the day of mailing, posting or publication and the day of the meeting shall not be counted. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall be valid grounds for the Planning Board to terminate consideration of the application for design review.

If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing shall not be required. Notice of an adjourned session of a hearing shall not be required provided that the date, time and place of the adjourned session are announced at the prior meeting.

3.4.11. *Determination of Regional Impact.* In accordance with RSA 36:56, the Planning Board shall make a determination as to whether the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

In determining whether a project has regional impact, the Planning Board may consider, but is not limited to the consideration of, such factors as: the relative size or number of dwelling units compared to the existing housing stock, the proximity to the borders of a neighboring community, transportation networks, anticipated emissions or environmental impacts such as light, noise, smoke, odors,

Examples of developments with a potential for regional impact include: high traffic generators such as “big box” retail; developments located along a roadway corridor subject to a corridor master plan (ie. NH Routes 101A or 101); large multifamily housing developments near municipal borders; developments near sensitive areas in abutting communities; gravel operations; and large water consumers.

Examples of additional studies that the Planning Board may request include: traffic studies, water quality analyses, soils analyses, stormwater studies and wildlife studies, among others. See [Section 3.6.04](#).

Conditional approval should only be granted when the conditions are administrative in nature and do not change the design. Typical conditions include: obtaining state wetlands dredge and fill permit; obtaining state septic approval; obtaining state subdivision approval (if the site plan is in combination with a subdivision); obtaining approval for access to a state road; the addition of notes approved by the Planning Board at a public hearing; and other minor drawing details that do not affect the final design.

or particles, the proximity to aquifers or surface waters which transcend municipal boundaries, and shared facilities such as schools, wastewater treatment plants, and solid waste disposal facilities.

3.4.12. Procedures for Development of Regional Impact. Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the regional planning commission and the affected communities as the status of abutters as defined in RSA 672:3 for the limited purposes of providing notice and giving testimony. The Planning Board shall provide to the Regional Planning Commission and the affected communities the following notifications:

- a. Within seventy-two (72) hours of reaching a decision that the development has the potential for regional impact, the Planning Board shall submit, via certified mail, to the Regional Planning Commission and the affected municipalities copies of the minutes of the meeting at which the determination of regional impact was made.
- b. At least fourteen (14) days prior to the public hearing for the development of regional impact, the Planning Board shall notify, via certified mail, the Regional Planning Commission and the affected municipalities of the date, time and place of the hearing and their right to testify concerning the development.

3.4.13. Additional Studies. The Planning Board may undertake or require the applicant to undertake any study that it reasonably deems essential to ensure that the development can satisfy the Review Standards of Section 3.5. The applicant shall pay the reasonable cost of any such study.

3.4.14. Actions Prior to Approval. Whenever these regulations require the posting of a performance guarantee bond, such bond shall be posted prior to receiving final approval. Upon receipt of any required bond, the Board will make a final review of the plans and application to determine their conformance with these and other applicable regulations and ordinances.

3.4.15. Manner of Approval. Approval of the site plan shall require the approval of a majority of those Planning Board members present and voting. Upon approval, the plat is certified by the signature of the Planning Board Chair and Vice Chair and the date of approval.

3.4.16. Conditions of Approval. The Planning Board may grant conditional approval of an application. If the remaining actions on the application are administrative in nature; do not involve discretionary judgment by the Board; and/or involve the possession of permits and approvals granted by other boards or agencies such as the Conservation Commission, a further public hearing is not required to grant final approval. A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4, I(i). Final approval will be granted when all conditions have been met to the satisfaction of the Board. If the conditions are not met by the next

If the application is denied, then it is important to notify the applicant of the reasons for the denial. The notification should be in writing on community letterhead so that the decision of the Planning Board is clear.

This section provides a general overview and justification for the design standards found in the following Sections 4 through 13. It sets out the process whereby it is appropriate to waive any of the design standards and clearly states that it is the applicant's responsibility to prove that the proposed development meets the design standards.

A "Finding of Fact" is a majority vote of the Planning Board that the application satisfies all review standards of these regulations. The Board may make a finding of fact for each separate review standard or for all the standards at once.

Zoning requirements, Special Permits, Variances and Special Exceptions cannot be waived.

The first justification for site plan review is the goal of preserving the most valuable natural resources on the site.

regular monthly meeting after the date at which conditional approval was granted, the Board will determine the appropriate action to be taken on the application.

3.4.17. *Disapproval.* If the Planning Board determines that the proposed site development does not meet all of the applicable requirements, it shall vote to disapprove the application. The reasons for disapproval will be clearly stated in the Board's records and shall be communicated to the applicant in writing within ten (10) days of the vote.

- 3.5. Review Standards.** In order to grant site plan approval, the Planning Board shall make Findings of Fact that the application satisfies all review standards of this Section. In making its finding, the Board may determine that a standard does not apply to the application. The Board may also find that a standard may be satisfied with conditions. The Board shall consider all standards found in Sections 4 through Section 13. The standards in Sections 4 through 13 may be waived only if the Planning Board finds that the review standard has been satisfied. The Planning Board may require any information it deems necessary in order to find that the application satisfies the review standards.

The burden of proof that an application satisfies all review standards rests with the applicant. All requirements listed after each review standard shall be considered by the Planning Board as a means by which the standards may be satisfied. Only those requirements listed that have applicability to the application shall be considered. All requirements may be waived by the Planning Board (except where indicated) if the applicant adequately demonstrates that the review standards can be better satisfied by an alternative not indicated. In addition, if the unique circumstances of an application have conditions which are not addressed in the requirements, the Board may propose alternative means by which the review standard may be satisfied.

3.5.01. *Regulation Provisions.* The Planning Board shall determine that the proposed development complies with all applicable provisions and requirements of these regulations. In making this determination, the Planning Board shall consider the following:

- a. All use, density, or dimensional requirements of the zoning district or any overlay zone in which the application is located. These requirements may not be waived.
- b. Any applicable conditions of a Special Permit, Zoning Variance, or Special Exception, which may not be waived.

3.5.02. *Preservation of Natural Features.* The Planning Board shall determine that the proposed development maximizes the preservation of natural features of the landscape, and does not occur within or cause harm to any land that is not suitable for development. In making its determination, the Planning Board shall consider Section 8.0, Landscaping Standards, and Section 9.0, Water Resource Standards of these regulations.

More specific objectives include protecting water quality and quantity and avoiding the loss of property in flood hazard areas. Surface water, wetlands, storm water, erosion and sedimentation sewage disposal and water supply are also regulated by the NH Department of Environmental Services. These regulations expand upon the state requirements. More information is available at: www.des.state.nh.us/waterdiv.htm

The National Flood Insurance Program has specific requirements for site plans having land designated as Special Flood Hazard Areas. These requirements include: 1) The Planning Board shall review the proposed site plan to ensure that all permits from governmental agencies are received, including those relating to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; 2) The Planning Board shall require that Base Flood Elevation Data is provided for all site plan proposals for developments greater than 5 acres; and 3) Sufficient evidence shall be provided so that the Planning Board can determine that all proposals and the location and design of utilities are consistent with the need to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

3.5.03. *Surface Waters, Wetlands and Marine Resources.* The Planning Board shall determine that the proposed development will not adversely affect any water body or its shoreline when the property is located in part or in whole in the water body's watershed. The proposed development will not adversely affect regional water quality. In making its determination, the Planning Board shall consider Section 8.0, Landscaping Standards, Section 9.0, Water Resource Standards, Section 10.0, Utilities Standards, and Section 11.0, On-Site Waste Storage and Disposal Standards of these regulations. The Board shall also consider reports or statements from a hydrogeologist, the NH Department of Environmental Services (NH DES), or other agent deemed appropriate by the Planning Board, which evaluates the impact of water discharges on the regional water quality, as applicable and necessary.

3.5.04. *Flood Hazard Area.* The Planning Board shall determine that the proposed development activity, if it occurs within a flood hazard area, minimizes the risk of flooding. In making its determination, the Planning Board shall consider Section 8.0, Landscaping Standards, and Section 9.0, Water Resource Standards of these regulations.

3.5.05. *Storm Water Management.* The Planning Board shall determine that the proposed development adheres to recommended storm water management standards. In making its determination, the Planning Board shall consider Section 8.0, Landscaping Standards, and Section 9.0, Water Resource Standards of these regulations.

3.5.06. *Ground Water.* The Planning Board shall determine that the proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. In making its determination, the Planning Board shall consider Section 8.0, Landscaping Standards, and Section 9.0, Water Resource Standards of these regulations.

3.5.07. *Erosion and Sedimentation.* The Planning Board shall determine that the proposed development will be constructed in accordance with Best Management Practices and will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results. In making its determination, the Planning Board shall consider Section 8.0, Landscaping Standards, and Section 9.0, Water Resource Standards of these regulations.

3.5.08. *Sewage Disposal.* The Planning Board shall determine that the proposed development can be served by municipal sewer, or where on-site disposal is proposed, the system is designed in accordance with all applicable local, state and federal requirements. In making its determination, the Planning Board shall consider Section 10.0, Utilities Standards, of these regulations.

3.5.09. *Water Supply.* The Planning Board shall determine that the proposed development has a water source that is adequate to serve the proposed development, and that will have no adverse impact on existing water supplies. In making its determination, the Planning

The importance of aesthetic, cultural and natural values has been reinforced with increased awareness of the importance of community appearance on property values.

The NH Department of Transportation and agencies such as the Federal Highway Administration (FHWA) and the American Association of State Highway Transportation Officials (AASHTO) recognize the importance of examining the impact of the number of vehicle trips per day potentially generated by a proposed development.

The importance of non-vehicular transportation modes is also recognized as adequate bicycle and pedestrian facilities can improve safety and preserve road capacity.

The regulation of architectural and site design is a relatively recent addition to site plan regulation in New Hampshire (outside of historic districts). Such regulation can have a positive impact on a community's built environment, especially in communities with extensive non residential development pressure.

Board shall consider Section 10.0, Utilities Standards, of these regulations.

3.5.10. *Aesthetic, Cultural and Natural Values.* The Planning Board shall determine that the proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitats, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. In making its determination, the Planning Board shall consider Section 4.0, Building Orientation and Design Standards, Section 8.0, Landscaping Standards, and Section 9.0, Water Resource Standards of these regulations.

3.5.11. *Traffic.* The Planning Board shall determine that the proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed, and the traffic associated with the development shall maintain the existing level of service within 200 feet of any existing or proposed curb-cut. In making its determination, the Planning Board shall consider Section 5.0, Vehicular Circulation Standards; Section 6.0, Parking Standards; 7.0, Pedestrian Circulation Standards; and 8.0, Landscaping Standards of these regulations. The Board shall also consider a statement or report from a traffic engineer indicating that the proposed development will not create or further contribute to unsafe traffic conditions, and consider statements from the Fire Department, Police Department and Public Works Department in evaluating the project for highway or public road congestion or safety.

3.5.12. *Pedestrian and Bicycle Access and Safety.* The Planning Board shall determine that the proposal is designed to accommodate bicyclists and pedestrians, and addresses issues of bicycle and pedestrian access, safety and circulation both within the site and to points outside of the site. In making its determination, the Planning Board shall consider Sections 5.0, Vehicular Circulation Standards, Section 6.0, Parking Standards, Section 7.0, Pedestrian Circulation Standards, and Section 8.0, Landscaping Standards, of these regulations.

3.5.13. *Architectural Compatibility.* The Planning Board shall determine that the proposed development shall be compatible with its surroundings in terms of its size, scale, mass and design. In making its determination, the Planning Board shall consider Section 4.0, Building Orientation and Design Standards, of these regulations.

3.5.14. *Municipal Solid Waste Disposal.* The Planning Board shall determine that the proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized. In making its determination, the Planning Board shall consider Section 11.0, On-Site Waste Storage and Disposal Standards, of these regulations.

Also known as a performance guarantee, Section 3.5.15 is used to ensure that funds needed to cover all aspects of the proposed project are will continue to be available in the even of a developer's default or bankruptcy.

This section identifies the specific items that must be on the site plan when submitted for acceptance. It provides a "checklist" for the applicant. Requirements for minor site plans are somewhat less than the requirements for major site plans.

The Planning Board is responsible for supplying an application form.

Minor site plans may not necessarily be drafted by a professional nor require a property boundary survey.

The number of copies should reflect the number of individuals reviewing the site plan application.

The locus map identifies where the site is in relation to the surrounding area. The scale will vary depending on the intensity of surrounding development.

3.5.15. *Financial Capacity and Maintenance.* The Planning Board shall determine that the developer has adequate financial and technical capacity to complete the project, and that once it is completed, the project is expected to have adequate resources to maintain itself. In making its determination, the Planning Board shall consider the following, as applicable:

- a. *Nuisances.* The Planning Board shall determine that the proposed development will not contribute to unreasonable nuisances to the general public, both during construction and after the development has been completed. In making its determination, the Planning Board shall consider Section 12.0, Nuisance Standards of these regulations.
- b. *Finding of Right, Title and Interest.* The applicant has sufficient right, title and interest in the subject property.
- c. *Finding of Payment of Application Fee.* The applicant has paid applicable development review application fees.

3.6. Plan/Plat Requirements.

3.6.01. *Minor Site Plan Requirements.* The Planning Board shall determine whether a site plan qualifies for review under the minor site plan provisions in accordance with [Section 3.3](#). Upon that determination, the property owner and/or applicant shall be required to submit the following information concerning the parcel and the proposed use for all minor site plans:

- a. A fully completed application for site plan review and payment of fee(s);
- b. Name of development or project.
- c. Owner's name, address, telephone number, and signature. Name, address and telephone number of applicant/developer, if different from owner.
- d. Names and addresses, including Tax Map and Lot number, of all abutting property owners, holders of existing conservation, preservation or agricultural preservation restrictions.
- e. Names, addresses and telephone numbers of all professionals involved in the site plan design.
- f. Six (6) copies of the scaled plan providing the name and address of the owner of record; and name of the applicant, if not the owner. Copies of septic plans and subdivision parcel maps may be used, when available. The Planning Board may require an engineered plan, as necessary;
- g. Locus map showing the general location of the site within the municipality;
- h. The total area and the dimensions of the parcel and street frontage;
- i. Required setbacks;

The location of abutting buildings, septic systems, wells and driveways helps to identify potential conflicts.

Many businesses, including child care facilities and food services may require a license issued by a state agency such as the NH Department of Health and Human Services.

The Planning Board is responsible for supplying an application form.

The number of copies should reflect the number of individuals or agencies reviewing the site plan application.

- j. Location of all buildings within fifty (50) feet and existing roads and driveways within two hundred (200) feet of the parcel;
- k. The location and dimensions of existing buildings, structures, septic systems and wells;
- l. Written verification of adequate septic capacity or plans for any required upgrade provided by a licensed septic designer.
- m. All proposed and existing uses occurring on the parcel;
- n. The location of all existing and proposed signs;
- o. The scale of the map/diagram, north arrow and date of plan;
- p. The location of all existing and proposed driveways and parking areas;
- q. The total number of employees, broken down by resident and non-resident for home businesses;
- r. The estimated number of vehicle trips per day generated by the proposed use or home business;
- s. Copies of all applicable approvals and permits required for expansion, alteration or change of use of the site;
- t. Copies of any license or government certifications required by a business;
- u. A signature block;
- v. Any additional information required by the Planning Board to make an informed decision.

3.6.02. *Major Site Plan.* When the owner of the property or his authorized agent makes formal application for major site plan review, the application shall contain the following exhibits and information presented in a clear and distinct manner:

- a. A fully executed and signed copy of the application for site plan review, including proof of ownership or legal authorization to represent the landowner.
- b. Site plan sheet size: 22" x 34", with match lines as required, or as otherwise required by the County Registry of Deeds.
- c. At least (6) prints of each plan (blue or black line) and one original Mylar, for recording at the County Registry of Deeds. One Mylar copy and/or CD-ROM, containing a copy of the Site Plan, for Planning Board Records.
- d. Name of development or project.
- e. Owner's name, address, telephone number, and signature. Name, address and telephone number of applicant/developer, if different from owner.
- f. Names and addresses, including Tax Map and Lot number, of all abutting property owners, holders of existing conservation,

Major site plans should be drafted by professionals, including a Surveyor, professional Engineer, Architect, and/or Wetlands Scientist, among others.

Listing the revisions and permits on the plan helps to identify the specifics of the approval process.

Although the Planning Board may want the applicant to have received various state permits prior to approving the site plan, such pre-approval may actually limit the Board's opportunity for constructive input on the site design as the applicant may be reluctant make major changes requiring a new permit. For example, NH DOT has formal agreements with various communities not to issue curb cut permits until local approval has been obtained. Similarly, various communities require local approval of waste disposal plans before an applicant can apply for a Subsurface Sewage Disposal System permit under RSA 485-A:32.a and b. Therefore, in some cases it may be appropriate for the Board to approve the plan with the condition that said permits are obtained.

- preservation or agricultural preservation restrictions.
- g. Names, addresses and telephone numbers of all professionals involved in the site plan design.
 - h. Signature and seal of any licensed surveyor, engineer and/or architect representing the applicant.
 - i. List of Reference Plans.
 - j. Plan Notes.
 - k. Tax Map and Lot Number of all parcels under Site Plan review.
 - l. Scale of Plan - not less than 1" = 50', or greater than 1" = 100', as directed by the Planning Board and/or its engineer. Locus Map (location of site within the town/city) shall be at a scale not greater than 1" = 2,000'.
 - m. North point (true and magnetic)
 - n. Date plans first drafted and the date of all revisions.
 - o. List of all approvals and permits, including date granted, on Sheet 1 of the plan/plat, including, but not limited to:
 - p. Waivers
 - q. Special Exceptions
 - r. Variances
 - s. NH DES Water Supply and Pollution Control Division (WSPCD) Subsurface Sewage Disposal Approval Permit.
 - t. NH DES WSPCD Site Specific Permit.
 - u. NH Wetlands Board Dredge and Fill Permit.
 - v. NH Department of Transportation Curb Cut Permit.
 - w. List names, addresses and telephone numbers of all public or private utilities servicing the site. (Verify agreements in place prior to final approval)
 - x. List of all Studies, Reports or Documents on Sheet 1, submitted as a requirement of approval. (E.g. - Endangered Species, Historic/ Archaeological, Traffic, Storm-Water Management, Environmental Impact studies, etc.)
 - y. County Registry of Deeds - Date recorded and Registry #.
 - z. Planning Board Approval - Date and signatures of Chair and/or Vice Chair.

3.6.03. *Existing and Proposed Conditions Plan.* Major and Minor Site plans shall include the following existing and proposed features as appropriate:

- a. Scale drawing of site showing existing natural features, including:
- b. Water courses and water bodies,

An existing conditions plan is most important for determining which features should be preserved. All of the most valuable natural resources should be identified.

The survey should be conducted by a licensed land surveyor. The surveyor will visit the site and identify the property boundaries.

An accurate assessment of the zoning boundaries, wetland and building setbacks and/or flood zone boundaries is important to ensure compliance with design standards found in Sections 4 through 13.

- c. Soil types using Site Specific Soil Mapping Standards (SSSMS),
- d. Trees and other vegetation,
- e. Topographic features,
- f. Any other features that shall be considered in the site plan design process.
- g. Existing and proposed contours and finished grade elevations as well as the type, extent, and allocation of existing and proposed landscaping and open space areas to be retained. Contour intervals no greater than 2' for the developed portion of the site and 5' elsewhere.
- h. Surveyed property lines showing their bearings and distances and showing monument locations. Boundary survey with a maximum error of closure of 1 in 10,000. Distances shall be to the nearest 100th of a foot and bearings to the nearest 10 seconds.
- i. Zoning boundaries, wetland and building setbacks, Special Flood Hazard Areas (SFHA), the 100-year flood elevation line, and Base Flood Elevation (BFE) data, as required. (Provide date and source of data in plan notes).
- j. Wet and dry land displayed in both acres and square feet.
- k. The lines and names of all abutting and proposed streets, lanes, ways or easements intended to be dedicated for public use.
- l. All other easements, deed restrictions and non-public rights of ways.
- m. Plan view of all buildings with their use, size, location and first floor elevation indicated.
- n. The location, width, curbing and paving of access-ways, ingress and egress ways and streets within the site.
- o. The location of off-street parking and loading spaces with a layout of the parking indicated.
- p. The size and proposed location of water mains and sanitary sewage facilities with all necessary engineering data.
- q. Water well and septic locations, including protective radii and reserve areas. Including distance to seasonal high water.
- r. The size and location of all other public service connections including gas lines, power lines, telephone lines, and fire alarm connections and locations.
- s. The type and location of solid waste disposal facilities.
- t. The location, elevation, and layout of catch basins and other surface drainage features
- u. The location, size and the design of proposed signs and other advertising or instructional devices.

A good time to identify the need for additional studies is during the conceptual consultation phase (see [Section 3.4.02](#)) or design review phase (see [Section 3.4.03](#)). This allows the applicant sufficient time to prepare such studies before submitting a formal application

Telecommunication towers are a distinct use requiring additional submission requirements. The requirements include: 1) proof that a new tower is needed and that other towers are unavailable for co-location of antennas; 2) additional federal documentation; 3) and a requirement that the new antenna will provide opportunities for antenna co-location.

- v. The location and type of appropriate lighting for outdoor facilities.
- w. A typical elevation view of building(s) indicating their height and bulk.
- x. Any other appropriate detail not listed that is reasonable for assessing the Site Plan.

3.6.04. *Additional Engineering Plans/Data.* When, in the judgement of the Planning Board, the complexity or size of a proposed site plan requires more in depth analysis, application requirements may include any other exhibits or data required by the Planning Board in order to adequately evaluate the proposed development, including but not limited to:

- a. Calculations relating to storm-water runoff/drainage based on a (25) twenty-five year storm frequency.
- b. A Storm-water Management and Erosion Control Plan may be required, in compliance with Environmental Protection Agency (EPA) guidelines, as required. (See Section 9.0, Natural Resource Standards).
- c. Information on composition and quantity of wastewater to be generated.
- d. Data on air, water or land pollutants to be discharged, including standards, quantity, treatment and/or controls.
- e. A traffic impact analysis may be required as deemed necessary by the Planning Board due to the proposal's size, location or traffic generating characteristics. In such cases, the applicant shall fund the cost of modeling the projected traffic increases, internal circulation patterns and bicycle/pedestrian plans.
- f. Endangered Species & Archaeological/Historical Studies, as necessary.
- g. Estimates of noise generation. This may include pre and post construction data collection, as necessary.
- h. Inventory of hazardous materials anticipated for on-site storage and/or use, including storage location(s).

3.7. Major Site Plan Telecommunications Facility Requirements. In addition to standard plan/plat requirements, the applicant shall submit the following information prior to any consideration and approval by the Planning Board:

- a. Certification that all applicable sections of the zoning ordinance have been addressed.
- b. Additional plan information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, access drives, parking, fencing, landscaping, and adjacent uses (up to 200 feet away).
- c. Documentation from the applicant that the proposed use/facility

Standards for telecommunications facilities are generally found in the Zoning Ordinance – these regulations only outline the submission requirements needed to determine if the zoning requirements are met.

Evidence demonstrating that no existing structure can accommodate the proposed antenna often comes in the form of a “propagation” map. The map shows the range of wireless facilities based on elevation and wavelength.

A viewshed analysis involves floating a large colored balloon on site at the proposed height of the telecommunications tower. Photos are then taken from various vantage points to determine the visual impact. The applicant may also provide digitally enhanced photos to simulate the visual effect of various tower designs.

- complies with Federal Communications Commission regulations on radio frequency (RF) exposure guidelines.
- d. Documentation from the applicant that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable Federal Communications Commission (FCC) rules.
 - e. An inventory of all existing or proposed towers that are within the jurisdiction of the town/city and those within two (2) miles of the border of the town/city, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under these regulations or other organizations seeking to locate antennas within the jurisdiction of the town/city.
 - f. Written evidence provided by the applicant demonstrating that no existing structure can accommodate the applicant's proposed antenna if the applicant is proposing to build a new tower. This evidence can consist of an analysis of the location, height, strength, potential interference, and co-location costs, which would make co-location impractical.
 - g. As a condition of approval, the applicant, by written agreement and/or a note on the plan, agrees to provide for maximum shared use (co-location) of the facility with other telecommunication providers and with governmental agencies at industry standard lease rates. This includes proper alignment of antenna by frequency, to maximize co-location potential. The applicant shall also provide notice to all commercial carriers in the region, via certified mail, that a new facility is to be erected and that an opportunity for co-location exists. Written proof of delivery shall be provided to the Board.
 - h. A viewshed analysis to include, at minimum, a test balloon moored at the site for the purpose of indicating the visibility of the proposed structure from all abutting streets and other key locations.
 - i. Information provided by a certified engineer, detailing the tower size and signal coverage required for the proposed facility location. This includes signal propagation maps for all proposed antenna levels on the proposed tower and, upon request, similar mapping of adjacent towers, for the purpose of providing proof of need and proof of adequate coverage, including co-location capability. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4,I, (g).

Additional information can include the location of the tower relative to aircraft flight patterns.

Fees are necessary to cover the cost of notification and processing the application and are enabled by NH RSA 674:44,V. The fees are set in a separate fee schedule adopted by either the Planning Board or the Board of Selectmen/Aldermen. The fee may be different for minor and major developments.

Technical review fees are usually billed directly to the community by the professional reviewer or inspector. Therefore it is important for the community to retain those fees up-front. Any unused fees (with the exception of the application fee) can be refunded within sixty days of the approval / disapproval.

- j. Any other information deemed necessary by the Planning Board to adequately assess the proposed site plan.

3.8. Fees.

3.8.01. *Establishment of Fees.* In accordance with RSA 674:44,V, the Planning Board may establish and/or amend, from time to time, the appropriate application fees and technical review fees following proper legal notice, posting of the proposed schedule and upon holding a public hearing. The authority to establish and/or modify these fees may be delegated to the Board of Selectmen.

3.8.02. *Application Fee.* Application fees shall be submitted in accordance with the fee schedule as established by Planning Board or Board of Selectmen, and shall accompany the submission of a site plan. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration of the application. This fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee shall be paid to the municipality and evidence of payment of the fee shall be included with the application.

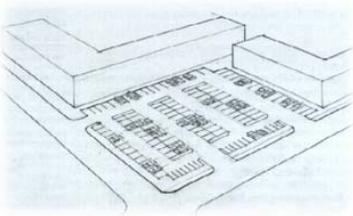
3.8.03. *Technical Review Fee.* Expenses for plan review and inspections incurred by the Planning Board, in accordance with RSA 674:44 V and RSA 676:4 I (g), shall be borne by the applicant. This includes, but is not limited to, review by consulting engineers or other consultants to assess the environmental impact, hydrological impact, ground water quality impact, traffic impact, or any other study deemed necessary by the Planning Board in order to make an informed decision.

Fees based on rates detailed in the fee schedule, as established by the Planning Board or Board of Selectmen, shall be paid to the municipality and shall be deposited in the Development Review Trust or Escrow Account, which shall be separate and distinct from all other municipal accounts. The application shall be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Planning Board may reduce or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.

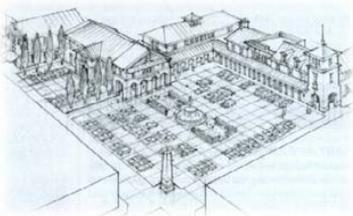
The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after payment to the town/city of all costs and services related to the review no later than sixty (60) days after the approval or disapproval. Refunds shall be accompanied by a final accounting of expenditures from the fund. The applicant shall not be liable for costs of services contracted for by the Board that exceeds the amount deposited to the trust account.

Most site plan regulations do not address building orientation and design. In addition to other standards, the control of building orientation and design is important if the community wishes to preserve its local character. Many communities are now requesting elevation drawings for new commercial developments, as required in Section 3.6.03.w.

Retail centers are typically designed like this:



Building orientation and design standards encourage a more aesthetically pleasing, functional and higher quality design, like this:



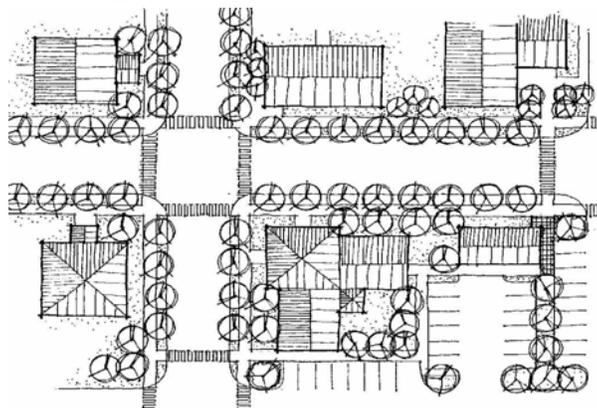
Illustrations courtesy of The Congress for New Urbanism, 2001.

Buildings that are parallel to the street and set back consistent with other structures on the street are generally thought to create a more defined sense of place. However, the location of buildings in relationship to the street and other structures will vary from one community to the next.

4. BUILDING ORIENTATION AND DESIGN STANDARDS.¹

- 4.1. **General Procedures.** Site plans shall portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features. All site plans shall adhere to the specifications and guidelines set forth in Section 4.0 of these regulations. The Planning Board may require that developments proposed in areas of special sensitivity or significance be designed by a professional Land Planner or Architect.
- 4.2. **Natural Features.** Buildings, lots, impervious surfaces and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
- 4.3. **Building Orientation.** Building facades shall be oriented parallel to the street and maintain a consistent street edge in relationship to adjacent structures. Buildings shall be sited so that buildings create pedestrian plazas and gathering places. Buildings shall be sited so that entrances are clearly identifiable and directly accessible from a sidewalk. Buildings shall be accessible for pedestrians, bicyclists and future public transit users. See Diagram 4.3.1.

Diagram 4.3. Building facades parallel to street with consistent street edge



¹ For more information on community design, please see Nashua Regional Planning Commission, [Non-Residential Community Character Guidelines](#), 2000.

Large buildings with extreme horizontal massing can seem out of place with surrounding developments. Building height should be similar to adjacent development. In addition, the mass of large buildings can be tempered with design treatments, as in the following:



The two photographs below are of the same franchise. The first did not receive site plan review for building orientation and design.

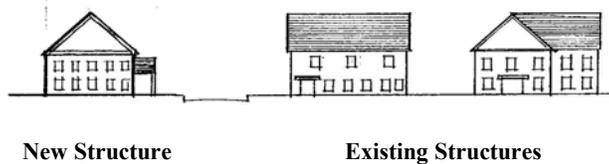


The grocery store below provides interesting roof treatments, even in the loading area:



- 4.4. Building Heights.** The applicant shall ensure that building heights are compatible with and transition from the height of adjacent development. The building height and number of floors shall comply with the dimensional requirements of the zoning ordinance. See Diagram 4.4.

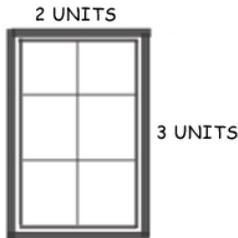
Diagram 4.4. Building Height Compatible with Adjacent Structures



- 4.5. Building Massing, Forms and Pedestrian Scale.** In cases of facades 50 feet or more in length, the applicant shall incorporate the following architectural features and treatments to diminish the building mass:
- a. Variations in color and/or texture.
 - b. Variations in roof forms and height of roof elements.
 - c. Emphasis on the rhythm and pattern of windows, columns and other architectural features.
 - d. Enhanced definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.
 - e. Avoidance of blank walls at ground-floor levels through the use of windows, trellises, wall articulation, arcades, materials changes, awnings or other features.
 - f. Use of materials manufactured in units and measurable in human proportions, including but not limited to brick, tile, modular stone, glass and decorative tiles.
 - g. Use of significant architectural features, including but not limited to columns, pilasters, canopies, porticos, awnings, brackets or arches.
 - h. Use of windows that reveal indoor amenities, activities and displays.

- 4.6. Roof Forms and Materials.** Rooflines shall not run in continuous planes of more than fifty (50) feet. Flat roofs are discouraged. All roofs shall provide adequate overhangs for pedestrian activity. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal. Roll roofing, tar and gravel, plastic or fiberglass materials shall not be used for roofing.

Blank walls should be avoided. Windows should reflect “human scale.” That is, reflect the approximate height to width ratio of a human being.



Entrances should be obvious. They should include at least three of the eleven recommended design treatments. Providing options allows for flexibility in design while not permitting blank facades. The building below includes an overhang, a projection and arches with details integrated to the building:



- 4.7. **Windows.** Windows and entry areas shall cover a minimum of sixty (60) percent of the entire façade length. Large plate glass windows shall be broken up with mullions or mutttons. Windows and doorways shall be encased with trim. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings or prominent sills. Windows shall reflect a vertical scale with height to width ratio of at least 3:2.
- 4.8. **Building Entrances.** All building entrances shall be clearly defined and highly visible with a minimum of three of the following details:
- Porticos
 - Canopies
 - Overhangs
 - Arcades
 - Recesses or projections
 - Raised cornice parapets over door
 - Arches with detail (tile work or moldings) integrated with building
 - Outdoor patios
 - Display windows
 - Integral planters
 - Wing walls with planters or seating
- 4.9. **Building Screening.** All rooftop air conditioning, heating equipment and other large mechanical equipment shall be screened from public view. The screening may be part of the articulation of the building.

If a development will generate enough traffic to significantly impact the level of service of an off-site roadway or intersection, then the developer should be responsible for upgrading the facility to accommodate the new development.

Streets should not be over-designed for their use. For example, streets that serve only a multi-family residential use need not be as wide as a major arterial roadway. Overly wide pavement widths encourage faster moving traffic and increase the amount of impervious surface, as in the following:



The street widths, by roadway classification, can be illustrated in an Appendix. The required widths will depend upon the community and the type of access required.

5. VEHICULAR CIRCULATION STANDARDS

- 5.1. General Provisions.** All site plans shall portray the design of all streets and driveways that provide access to roadways within the municipality, unless otherwise specified. All site plans shall adhere to the specifications and guidelines set forth in Section 5.0 of these regulations. The Planning Board may require that work involving areas of special sensitivity or significance be conducted by a traffic Engineer.
- 5.2. Street Impact.** The applicant is responsible for assessing the impact of the proposed development on street systems, and shall be responsible for any associated improvements. If the Planning Board deems it necessary, the applicant shall undertake to improve, repair or reconstruct such street systems. If the Planning Board requires such actions, the applicant shall be responsible only for the degree of improvement necessary to mitigate the impact of the proposed development.
- 5.3. Performance.** The internal network of streets and driveways shall not be wider than needed to accommodate demonstrated traffic demand. Each street or driveway's design shall be based on its anticipated role within the development and the municipality. The internal network of streets and driveways shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- 5.4. General Street and Driveway Design.**
- 5.4.01. *Street Classification.* The size and design needs of new streets shall be based upon the projected number of vehicles they are to carry. All streets shall be classified in the site plan review process according to the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO) "Green Book," *A Policy on Geometric Design of Highways and Streets*.
- 5.4.02. *Design and Dedication Standards.* Streets intended for public dedication shall satisfy the Street Standards found in Appendix __.² Driveways shall satisfy the Driveway Standards found in Appendix __. Where street design criteria are not provided, then streets shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) "Green Book," *A Policy on Geometric Design of Highways and Streets*. The Fire Chief and Town/City Engineer shall review the design of all streets and driveways prior to final approval by the Planning Board.
- 5.4.03. *Travel Lanes.* All streets and driveways shall only have turn lanes, deceleration lanes or more than one travel lane in each direction if it can be demonstrated, through a traffic model or study conducted

² Note: Appendices are not provided in this document. Specific design criteria presented in Appendices will vary considerably from community to community.

Streets should be constructed according to the approved plan before building permits are issued so that emergency access is available to the new development.

Section 5.5 is based on the principals of Access Management "...which involves providing or managing access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity and speed." (AASHTO, 2001).

Sections 5.5.02 and 5.5.03 eliminates unrestricted access to the lot frontage, a safety hazard, as illustrated below:



Driveway width should be based on the use. Multi-family residential use with little truck traffic should have narrower driveways to reduce speeds and pedestrian conflicts. Commercial uses with heavy truck traffic should have wider driveways to accommodate larger vehicles.

by a Traffic Engineer, that more than temporary congestion is anticipated. Where a total of four or more lanes are planned, planted medians shall be utilized to reduce the visual impact of pavement.

5.4.04. *Conservation of Scenic Features.* The internal network of streets and driveways shall conserve scenic features, including but not limited to mature trees, stone walls and riparian vegetation.

5.4.05. *Multi-Modal Transportation.* The internal network of streets and driveways shall provide for the smooth, safe, convenient and functional movement of all modes of transportation, including vehicles, public transit, bikes and pedestrians. Priority shall be given to pedestrian circulation. Conflicts between pedestrians, bicycles and vehicles shall be minimized. Separation of systems shall be created through design elements such as changes in grade, materials, screens and structures.

5.4.06. *Construction Requirements.* All streets and driveways shall be built according to the approved site plan, as determined by the Town/City Engineer, prior to the issuance of a building permit for any portion of the development.

5.5. Number, Spacing and Width of Access Points.³

5.5.01. *General Provisions.* No person shall cut, break or remove any curb along a street except as herein authorized. No person shall construct, alter or extend any driveway approach that can be used as a parking space or area between the curb and private property. The provisions in this section are based on principals of access management.

5.5.02. *Driveway Approach Width (commercial and industrial):* The maximum width of a driveway approach for a two-way driveway shall not exceed thirty-six (36) feet including two (2) foot shoulders. The minimum width of a driveway approach for two-way driveway shall not be less than twenty-four (24) feet including two (2) foot shoulders.

5.5.03. *Driveway Approach Width (multifamily residential):* The maximum width of a driveway approach shall not exceed fifteen (15) feet. The minimum width of a driveway approach shall not be less than ten (10) feet.

5.5.04. *Driveway Access Spacing:* Driveway access spacing shall be measured from the edge of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street.

- a. Opposite-right driveways shall be located no closer than the minimum requirements of Table 5.5.04.a. Additional opposite right spacing over and above that set forth in Table 5.5.04.a may be required if the Planning Board determines that there is insufficient left turn queue storage or weave maneuver area between the

³ For more information on Access Management, see Nashua Regional Planning Commission, *Access Management Guidelines*, 2002.

Section 5.5.04 establishes a minimum distance between access points. By doing this, the number of access points a driver has to observe, and therefore the number of conflict points, are reduced. Regulation of access spacing can be approached in two ways: 1) the first provides different distances between points depending on which side of the road the access is taken from; or 2) the second sets a minimum distance regardless of which side of the road the access is taken from. The actual distances between access points will depend upon whether the community is rural (long distances), suburban (moderate distances) or urban (short distances).

The following is an example of poor driveway spacing:



opposite right driveway and proposed driveway. This determination shall be made under peak traffic conditions.

Table 5.5.04.a. Opposite Right (Downstream) Driveway Spacing

Roadway Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Arterial	300	400
Minor Arterial	225	350
Collector		300
Local Street	125	225

- b. A minimum of one hundred twenty-five (125) feet shall be required between opposite-left driveways for all roadway classifications.
- c. Same-side adjacent driveways shall be located no closer than the minimum requirements of Table 5.5.04.c.

Table 5.5.04.c. Same-side Adjacent Driveway Spacing

Roadway Classification	Minimum Spacing (Feet)	Desirable Spacing (Feet)
Major Arterial	275	350
Minor Arterial	230	300
Collector		235
Local Street	150	190

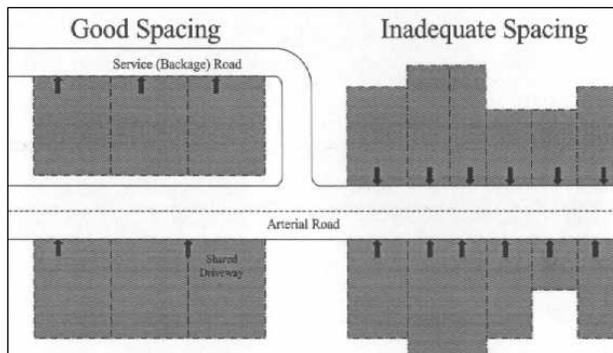
- OR -

5.5.05. *Driveway Access Spacing.* Driveway access spacing shall be measured from the edge of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street. Driveway access spacing shall meet the requirements of Table 5.5.05. See Diagram 5.5.05.

Table 5.5.05. Driveway Spacing

Roadway Classification	Minimum Spacing (feet)	Desireable Spacing (feet)
Major Arterial	300	500
Minor Arterial	100	300
Collector	100	200

Diagram 5.5.05. Driveway Access Spacing



Intersection Alignment. If a proposed driveway cannot meet the requirements of Section 5.5.04 (or 5.5.05), then the proposed driveway shall be aligned directly opposite an existing or proposed opposite driveway and the configuration shall be treated as a four-way intersection.

5.5.06. Angle of Driveway Approach. The angle of driveway approach shall be approximately ninety (90) degrees for two-way driveways and between sixty (60) degrees and ninety (90) degrees for one-way driveways.

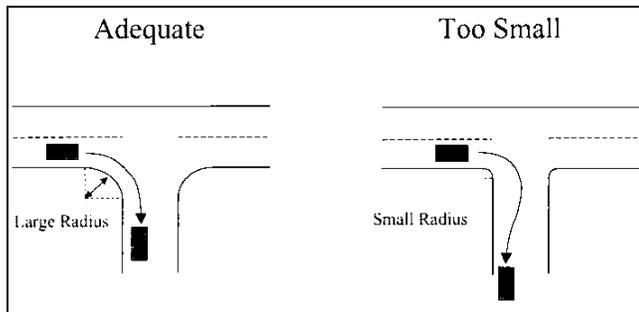
5.5.07. Turning Radii. The principal users of the roadway shall be considered when determining the inside turning radii. The inside turning radii shall vary between a minimum of fifteen (15) feet and a maximum of thirty (30) feet and meet the minimum and maximum requirements of Table 5.5.08. See Diagram 5.5.08.

The size of the turning radius affects the speed at which vehicles can exit the flow of traffic and enter a driveway. The larger the turning radius, the greater the speed of entry. The turning radius should be based on land use. In areas of high pedestrian traffic or in a residential development, the turning radii should be smaller. In commercial areas with heavy truck traffic, the turning radius will need to be larger.

Table 5.5.08. Inside Turning Radii

Land Use	Minimum Inside Turning Radii (feet)	Maximum Inside Turning Radii (feet)
Multifamily Residential Only	15	20
Commercial/Industrial Only	20	30
Mixed Uses	15	30

Diagram 5.5.08. Turning Radii.



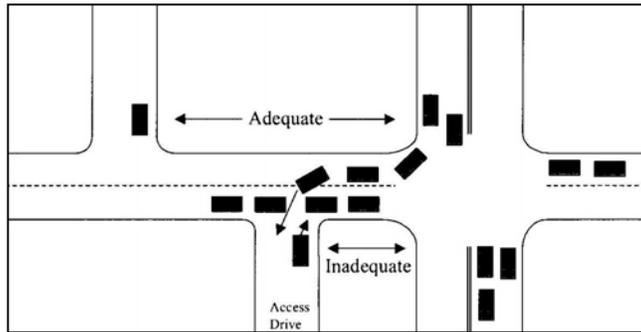
Similar to the driveway spacing requirements, driveways should be located an adequate distance from intersections so as to avoid turning vehicle conflicts.

5.5.08. Corner Clearance. No driveway approach may be located closer to the corner than indicated in Table 5.5.09. The measurement shall be taken from the intersection of property lines at the corner to the nearest edge of the proposed driveway pavement. When these requirements cannot be met due to lack of frontage, the nearest edge of the proposed driveway pavement shall be located as far as possible from the intersection of property lines at the corner.

Table 5.5.09. Distance of Driveway Approach from Corner

Speed (mph)	Distance from Corner (feet)
30	325
35	425
40	525
45	630
50	750
55	875

Diagram 5.5.09. Corner Clearance.



Throat length is the length of the driveway that is controlled internally from turning traffic, measured from the intersection with the road. Driveways should be designed with adequate throat length to accommodate queuing of the maximum number of vehicles as defined by the peak period of operation of the development. Providing an adequate throat length works in concert with locating the principal structure closer to the roadway and placing the parking at the rear or side. The following is an example of adequate throat length:

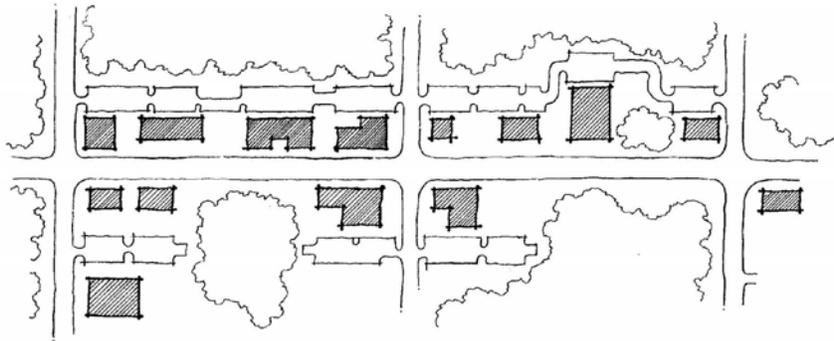


5.5.09. *Driveway Throat Length.* Driveway throat length shall be measured from the edge of the property line to the furthest end of the driveway. A minimum driveway throat length of twenty-five (25) feet for collector streets, forty (40) feet for minor arterials, and fifty-five (55) feet for major arterials shall be required. The purpose of the driveway throat length is to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic on the roadway causing delays and a potentially hazardous situation.

5.5.10. *Shared Access.* Shared driveways are encouraged and may be required between adjacent lots that front on arterial and collector streets. In such cases, a joint access easement between the property owners may be required. The location and dimensions of said easement shall be determined by the Planning Board. See Diagram 5.5.11.

Diagram 5.5.11 shows how the parking lots of the various commercial structures along an arterial roadway are connected and access taken from side roads. This allows traffic to move between the various structures without entering the arterial roadway.

Diagram 5.5.11. Shared Access.



All season safe sight distance is the length of the roadway that is visible to the driver. A minimum safe sight distance should be required for access points based on the roadway classification or speed and the grade.

5.5.11. *All Season Safe Sight Distance.* All season safe sight distance is defined as a line which encounters no visual obstruction between two (2) points, each at a height of three feet nine inches (3'-9") above the pavement, and ten (10) feet back from the road pavement as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction. Safe sight distance shall be compatible with the maximum speed limit posted on the roadway as indicated in Table 5.5.12.

Sight distance will be more of a consideration in rural areas due to rolling terrain, higher tree canopy and higher speeds.

Table 5.5.12. All-Season Safe Sight Distance

Speed Limit (mph)	All Season Safe Sight Distance (feet)					
	Downgrades			Upgrades		
	3%	6%	9%+	3%	6%	9%+
25	158	165	173	147	143	140
30	205	215	227	200	184	179
35	257	271	287	237	229	222
40	315	333	354	289	278	269
45	378	400	427	344	331	320
50	446	474	507	405	388	375
55	520	553	593	469	450	433

To prevent hardships to owners of small parcels of land or special land uses, exceptions to the all season safe sight distance requirements should be allowed for individual homes, agricultural land, public works land, highway department land and temporary accesses for vehicles such as construction vehicles, gravel trucks and log trucks. The road shall then be properly signed for "Blind Drive" or "Trucks Entering."

Rural communities may wish to eliminate Section 5.6 or modify to require curbs and gutters only in town centers.

Varying the street width is one of the more effective traffic calming measures. A narrow roadway is likely to encourage slower speeds due to the perception of speed. The following is an example of a choker on a suburban street.



Such chokers, however, are unnecessary when the pavement is only as wide as necessary to accommodate projected traffic.

5.6. Street Edges.

5.6.01. *Curbs and Gutters.* Curbs and gutters shall be required for the purposes of drainage, safety and delineation and production of pavement edge, with the following exceptions:

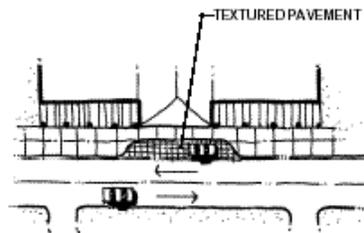
- a. Along rural roads; or
- b. Along other streets where drainage swales and dense vegetation presently exist near the street.

5.6.02. *Drainage Swales.* Drainage swales shall be sized to adequately convey runoff and shall be stabilized for erosion. Swale banks shall not exceed a 2:1 slope if planted with ground cover.

5.7. Traffic Calming. Internal street networks shall be designed to discourage high speed through traffic. Traffic measures that restrict traffic at the expense of the overall interconnectedness and coherence of the town/city shall be avoided. While consideration may be given to specific demands and conditions, recommended traffic calming measures include variation in appropriate street widths (including semi-diverters, neck-downs, chicanes, chokers and protected parking), "T" intersections, roundabouts, medians, textured crosswalks, rumble strips and raised intersections. Traffic calming measures shall not include road undulations, street closures and forced turns.

5.8. Passenger Drop Off Areas. Passenger drop off facilities shall be incorporated into all projects that generate a high volume of vehicular traffic. A clear separation shall be provided between drop off zones and vehicular traffic and parking lots/structures. Drop off lanes shall not obstruct traffic flow when motorists discharge passengers. Signs shall be created to indicate "drop off zone" or "passenger loading only." See Diagram 5.8.

Diagram 5.8. Passenger Drop-Off Areas.



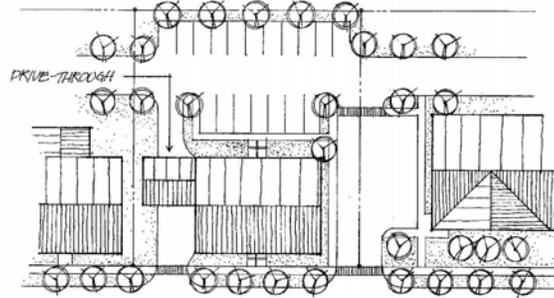
5.9. Drive-Through Facilities. Any use that provides drive-through service shall be located and designed to minimize the impact on neighboring properties and traffic circulation. Whenever possible, drive-through facilities shall not be located in any buffer or setback to an adjacent residential use or zone. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space shall be provided to prevent any vehicles from having to wait on a public

Drive-through facilities can be incorporated into the design of a commercial facility. The following is an example of an appropriate design for a drive through bank:



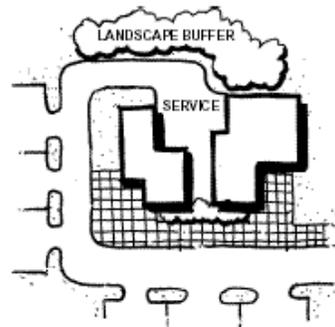
street, within the entry from the street, or within designated parking areas. The drive-through shall not interfere with any sidewalk or bicycle circulation. See Diagram 5.9.

Diagram 5.9. Drive-Through Facility.



- 5.10. Service, Delivery and Storage Areas/Drives:** The visual impact of service and delivery areas shall be minimized. Loading docks and service areas shall be located in areas of low visibility, including but not limited to the rear of buildings. All service, delivery and storage areas/drives shall be screened from public view with fencing, walls and/or landscaping. Signage shall be provided to discourage the use of main entrances for deliveries. Service circulation within a development shall be designed to provide safe movements for all anticipated vehicles. "Blind areas" that cannot be patrolled by police or security staff shall not be created in access areas. Areas for waste disposal shall meet the standards in [Section 11.3](#). See Diagram 5.10.

Diagram 5.10. Service, Delivery and Storage Areas/Drives.



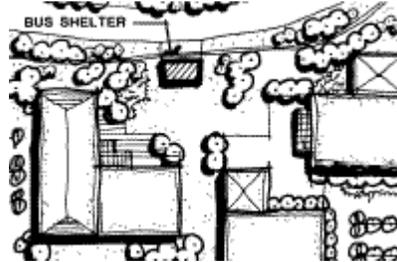
Mass transit facilities should be provided for new developments that are likely to be major destinations, such as regional shopping centers or large office complexes. If no public transportation is currently provided along the route, then accommodation should be made for future facilities. The following is an example of an adequate bus shelter:



Photo courtesy of Terrance DeWan and Associates.

- 5.11. Mass Transit Facilities.** Mass transit facilities shall be incorporated within all major site plans that could generate high volumes of transit use. Transit routes, access points and shelter locations shall be addressed along major roadways within and on the perimeter of such projects. Transit facilities shall be provided in a manner to make transit an attractive mode of travel for both employees and patrons. Shelters shall be located next to significant clusters of buildings, and shall be provide protection for bus shelters from prevailing winds and inclement weather. See Diagram 5.11.

Diagram 5.11. Mass Transit Facilities.



Most site plan regulations simply regulate the size of the parking lots and the provision of parking for various land uses. In many cases, the parking standards result in an over-provision of parking, thereby creating unnecessary areas of impervious surface. An over-provision of parking reduces the land area available for buildings, generates unnecessary stormwater runoff and has a negative impact on aesthetics. Each community will have different parking needs depending on the available modes of transport and the community's character. Therefore, each community will need to research the most appropriate minimum and maximum parking requirements for the Appendix.

The maximum parking provision, shared parking, on-street parking and compact space allowances reduce the amount of impervious surface.

The amount of on-street/parking garage parking allowed will vary from zero in rural areas to 100% in high density urban areas.

Permitting parking to be located in the front setback or in front of the principal structure results in development like this:



6. PARKING STANDARDS

- 6.1. Parking Provision.** Parking spaces shall be provided in accordance with the minimum and maximum parking provision standards found in Appendix __² whenever any new use is established. Any use not referred to or listed in Appendix __ shall provide parking as required by the Planning Board.
- 6.2. Shared Parking Provision.** Parking provision for any combination of uses on the same site shall consider the opportunity for combined visits (i.e. one parking space in front of a gas station pump may count as one parking space for both the convenience store and the gas station in a combined gas station/convenience store development). Shared parking arrangements with adjoining nonresidential developments or other uses on site are encouraged. Off-site shared parking shall be protected with a shared parking easement agreement which shall be reviewed and approved by the Planning Board and recorded with the approved site plan.
- 6.3. On-Street Parking/Parking Garage.** A maximum of __% percent of the minimum parking requirement may be provided by on-street parking or an off-site parking garage when such parking is provided within __ feet of the proposed development. A parking study outlining the ability of on-street parking or a parking garage to accommodate the proposed development shall be submitted to the Planning Board for approval.
- 6.4. Dimensional Requirements.**
- 6.4.01. Spaces shall be 9 feet x 18 feet, exclusive of drive aisle width. A maximum of 25% of the required parking spaces are encouraged to be compact car spaces. Compact car spaces shall be 9 feet x 17 feet, exclusive of drive aisle width.
- 6.4.02. Drive aisle width shall be 24 feet minimum, 26 feet maximum (either one or two way circulation) for 90° (perpendicular) parking. Aisle width shall be 12 feet minimum, 14 feet maximum (one-way circulation only) for 0° (parallel) parking. When any combination of these types of parking is used, facing the same aisle, the more restrictive drive aisle width requirement shall apply.
- 6.5. Parking Lot Location.**
- 6.5.01. Parking shall be located within 600 feet of the principal use and connected to the principal use by a five (5) foot wide pedestrian path.
- 6.5.02. Parking shall not be permitted in any required setback or between the principal structure and a public street, including corner lots. Parking shall be located to the side or rear of the principal structure. The Planning Board may waive this requirement in situations where lot configuration or use renders such parking lot location impractical, however, effort shall be made to locate parking to the side or rear of buildings. See Diagram 6.5.02.

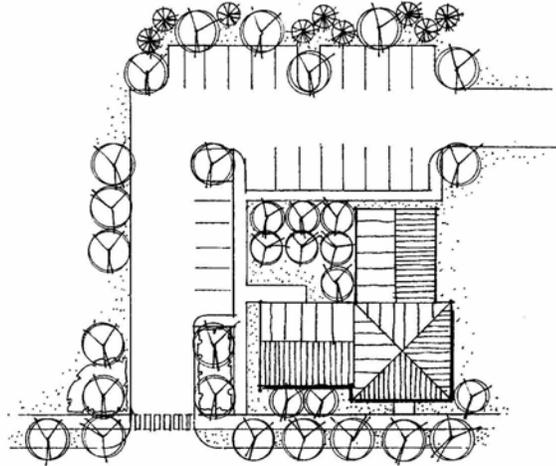
The purpose of locating the parking lot to the rear and/or side of the principal structure is to avoid the “sea of parking” look common to many new commercial developments. This provision ensures that the building is the focal point of the development, and allows for better pedestrian access from the street and a longer throat length (driveway length) to facilitate access.

Parking to the rear and the side allows for full emergency service vehicle access to the entire structure, as access to the front of the structure is from the roadway.

Parking lot location is especially important in historic rural town centers, as most buildings are traditionally facing the street.

6.5.03. Side yard parking shall be limited to a single row of vehicles. See Diagram 6.5.02.

Diagram 6.5.02. Parking to Side and Rear of Principal Structure



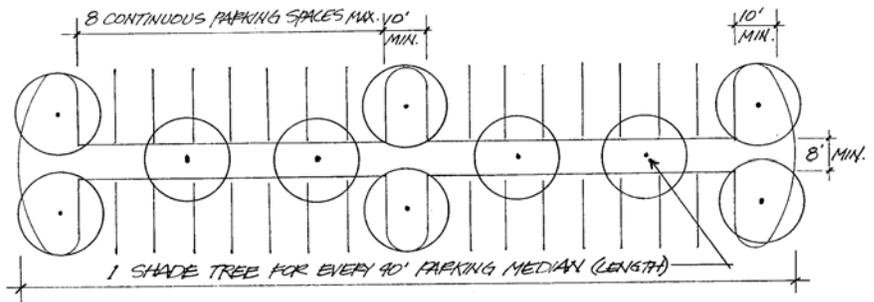
6.6. Parking Lot Design Criteria.

6.6.01. To ensure safe pedestrian circulation, angle parking shall not be permitted except in a downtown area where angle parking is the previously accepted practice. Only 0° (perpendicular) or 90° (parallel) parking spaces shall be provided.

6.6.02. A minimum eight (8) foot wide planting median shall be provided between adjacent rows of parking. One (1) shade tree shall be provided per each forty (40) feet length of planting median. See Diagram 6.6.02.

6.6.03. The maximum number of continuous parking spaces permitted shall be eight (8). A minimum ten (10) foot wide landscape island shall be provided to break up continuous parking areas. Each landscape island shall contain a minimum of one (1) shade tree.

Diagram 6.6.02. Maximum Contiguous Parking Area and Landscaping



Islands with trees or landscaped basins should be added to visually breakup large areas of asphalt. The beds should be below the parking lot grade to capture the rainwater. This will add water for the plants and help groundwater recharge.

For small rural parking lots, such landscaping standards may be unnecessary, especially where existing trees surrounding the site are preserved as a landscape buffer.

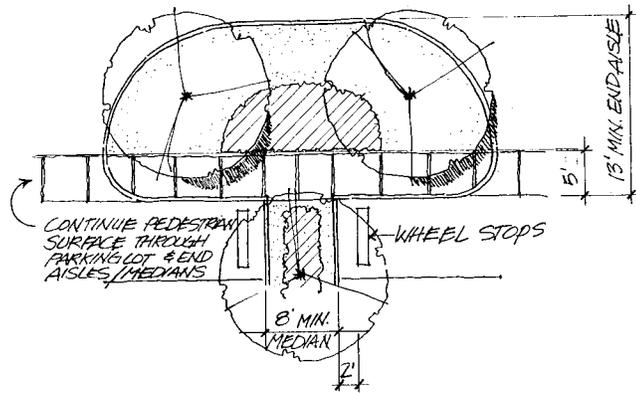
A pedestrian path through the parking lot provides safe and attractive route to a commercial development.



6.6.04. One shrub per 200 square feet of paved parking and access drive area shall be provided within the planting median and landscape islands. At least 40% of such shrubs shall be evergreen.

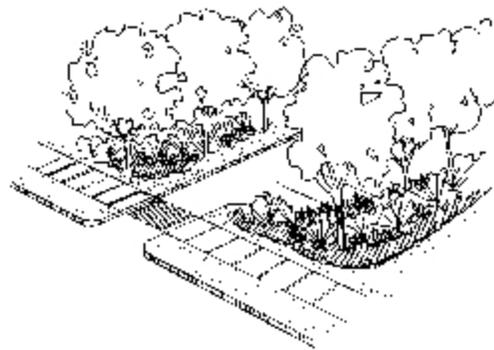
6.6.05. A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting adjacent streets, sidewalks and parking area(s) to the entrances of all structures. Pedestrian paths shall be marked by accent strips of brick, concrete block or textured paving materials to define pedestrian walkways and crosswalks. Pedestrian paths may be incorporated with accessible routes as required by the Americans' with Disabilities Act, as amended. See Diagram 6.6.05.

Diagram 6.6.05. Well Landscaped Median with Pedestrian Access



6.6.06. Parking areas shall be screened from view using land forms, vegetation and/or fences of a design in keeping with the surrounding area. See Diagram 6.6.06.

Diagram 6.6.06. Well Screened Parking Area



Pervious pavements can be made of concrete, asphalt, open-celled stones, and gravel, that are mixed in a manner that creates an open cell structure allowing water and air to pass through.



6.6.07. Continuous off-street vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on site.

6.6.08. Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete for overflow parking areas, as required in [Section 9.9](#). Pervious paving areas can be used to facilitate groundwater recharge and reduce the need for curbs and gutters as drainage features.

There are safety implications if pedestrian or bicycle facilities are not provided in new developments. These regulations require pedestrian facilities to be provided. Bicycle facilities are recommended but not required unless there is a clear safety hazard for bicyclists. The design of such facilities is also regulated.

Sidewalks serve as critical links in the transportation network by providing safe pedestrian access to common destinations. Because they provide such fundamental services to the public, they should be designed to meet the needs of the widest possible range of users.

People with disabilities make up nearly one-fifth of the American population. Accessible sidewalks and walkways allow them to participate in the community and make it easier to reach their desired destinations.

In more rural areas, a “side path” made of asphalt or crushed stone, may be suitable.



7. PEDESTRIAN AND BICYCLE CIRCULATION

7.1. General Provisions. The site plan shall provide for a system of pedestrian and/or bicycle paths appropriate to the type and scale of development. This system shall connect the major building entrances/exits, parking areas and any existing sidewalks within or adjacent to the project. The pedestrian and/or bicycle network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall also be designed to link the project with residential, recreational, commercial facilities, schools, bus stops and existing bicycle or pedestrian facilities in the neighborhood. When deemed appropriate, connections with amenities such as parks, open space or [pedestrian districts](#) on or adjacent to the site may be required.

7.2. Pedestrian Paths. A minimum five foot (5') wide pedestrian path shall be provided throughout the site, connecting adjacent streets, sidewalks and parking area(s) to the entrances of all principal structures. Pedestrian paths shall be marked by accent strips of brick, concrete block or textured paving materials to define pedestrian walkways and crosswalks. Pedestrian paths may be incorporated with accessible routes as required by the Americans' with Disabilities Act, as amended. Guidelines for sidewalk construction features are as follows (guidelines may be modified to meet site specific situations with Planning Board approval):

7.2.01. Accessibility. Sidewalk corridors shall be easily accessible to all users, whatever their level of ability and comply with all Americans with Disabilities Act (ADA) standards.

7.2.02. Adequate Travel Width. The sidewalk shall be a minimum of five (5') feet wide. A minimum five (5') foot landscaped buffer between the road pavement and the sidewalk shall be provided where adequate right of way exists.

7.2.03. Continuity. The walking route along a sidewalk corridor shall be obvious, shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.

7.2.04. Landscaping. Plantings and street trees in the sidewalk corridor shall create a desirable environment and shall contribute to the psychological and visual comfort of sidewalk users.

7.2.05. Social Space. Sidewalk corridors shall provide places for people to interact. There shall be places for standing and sitting.

7.2.06. Quality of Place. Sidewalk corridors shall contribute to the character of neighborhoods and business districts and strengthen their identity. Rural pathways/trails or mixed use trails shall be considered as alternatives where appropriate (See Diagrams 7.2.06.a and 7.2.06.b).

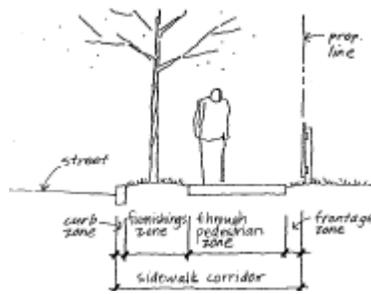


Diagram 7.2.06.a. Typical Residential Sidewalk Section.

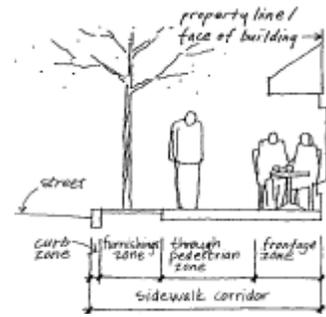


Diagram 7.2.06.b. Typical Urban Sidewalk Section.

On rural and suburban highways a minimum five (5) foot shoulder on both sides of the roadway is recommended to accommodate bicycles.



Urban areas with high bicycle traffic may require additional bicycle racks. The number of bicycle racks per parking space or floor area will vary depending on the community's priorities.

7.3. **Bicycle Facilities.**

7.3.01. *General.* Separate bicycle facilities may be required by the Planning Board if deemed appropriate. Bicycle facilities may be combined with pedestrian facilities. Bicycle facilities shall be designed in accordance with AASHTO, *Guide for the Development of Bicycle Facilities*, 1999, as amended.

7.3.02. *Bicycle Routes.* Bicycle routes may be provided in the form of a separate off-street path or on-street marked bicycle lanes.

7.3.03. *Bicycle Racks.* One bicycle rack is required for every __ (__) parking spaces or __ square feet of floor area of development on site, whichever is greater. Bicycle racks shall meet the following requirements:

- a. All racks shall be located in a convenient and secure location.
- b. Landscape treatment shall consist of a minimum of one shade tree adjacent to every one bicycle rack.
- c. All racks shall be designed to allow the frame and one wheel to be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
- d. All racks shall be securely anchored to a durable, hard paved (preferably concrete) permanent surface.

The basic objective of landscaping is to improve the physical and psychological well being of people who live and work in various settings in their communities. Landscaping can also moderate air pollution, wind and temperature.

Psychologically, people tend to gravitate toward lush vegetation and attractive planting beds. Attractive communities with green space keep older neighborhoods desirable places to live.

The Zoning Code determines the setback and open space requirements. Rural and suburban communities are likely to have large setback and open space requirements, and therefore more landscaping. Urban communities, especially in high density town centers, are likely to have limited setback and open space requirements, therefore limiting landscaping to streets, sidewalks and parking areas only.

8. LANDSCAPING STANDARDS

- 8.1. Purpose.** The intent of landscaping regulations is to achieve a high-quality site appearance, to assure design compatibility, to direct character and form, to conserve water, and to enhance the overall value of the community. The purpose of specific provisions contained in these regulations is to:
- a. Enhance the aesthetics of nonresidential and multifamily developments
 - b. Create a pedestrian-friendly environment
 - c. Break up the mass of buildings and impervious areas
 - d. Soften architectural and structural materials
 - e. Provide screening of service structures (dumpsters, etc.)
 - f. Enhance the public or private streetscape
 - g. Provide visual and climatic relief from broad expanses of pavement and define areas for pedestrian and vehicular circulation
 - h. Control airborne particulates such as soot and dirt
 - i. Provide buffers between incompatible land-uses or sites
 - j. Retain as much of the original vegetation as possible and incorporate into site design
 - k. Encourage preservation and enhancement of community character
- 8.2. Landscaping Plan.** A landscaping plan shall be submitted with each application for major site plan review showing existing and proposed features, and the locations of all plant materials. A plant schedule shall accompany the plan, indicating the botanical and common names, size, quantity, and description for all proposed plants. Existing trees, shrubs and plant beds to be retained shall be described. Landscape plans shall incorporate water conservation planting techniques and hardy plant materials.

The Minor Site Plan Review Committee may require a landscaping plan for minor site plan review in cases involving a new building on a previously vacant site in which the existing vegetation is not adequate to meet the purposes of these landscaping standards as described in Section 8.1 above.

The landscaping plan shall incorporate the following:

- a. All setbacks and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped as required by this Section. Natural features and existing native vegetation should be retained where possible.
- b. Existing non-native invasive plants (including grasses, shrubs and trees) shall be removed and destroyed.

Existing mature landscaping should be retained when possible:



Invasive species cause harm by becoming the dominant species in areas that were formerly healthy and diverse. Invasive plants produce a lot of seed, have aggressive root systems and can grow in disturbed areas. Common invasive plants in NH include:

- Japanese barberry*
- Oriental bitterseed*
- Common buck thorn*
- Glossy buckthorn*
- Burning bush*
- Tartarian honeysuckle*
- Japanese honeysuckle*
- Japanese stilt grass*
- Spotted knapweed*
- Japanese knotweed*
- Purple loosestrife*
- Norway maple*
- Mile-a-minute*
- Garlic mustard*
- Autumn Olive*
- Russian olive*
- Multiflora rose*
- Common reed*
- Black swallow-wort*
- Tree-of-heaven*

Steep slopes are difficult and expensive to maintain and are subject to erosion. Extensive grading should be avoided near existing trees as the addition of soil or compaction within the drip-line can eventually kill a tree.

- c. Existing healthy mature native trees (6" caliper or greater) shall be retained as practical and incorporated into the overall landscape plan.
 - d. No loam or other topsoil shall be removed from the site as part of site development. Topsoil shall be appropriately stockpiled and stabilized for redistribution within new planting areas.
 - e. Existing topography shall be maintained wherever feasible. Those areas that shall be disturbed shall be replaced with a minimum of 4" of suitable topsoil either from the stockpile or off-site and then be replanted with grass seed, sod or other vegetative groundcover.
 - f. Revegetated areas shall be replanted with hardy native species appropriate to the site.
 - g. Dead vegetation shall be promptly replaced, based on standard seasonal planting practices with healthy living plants in all required landscape areas. All planting areas shall be landscaped with a combination of climate tolerant plant material and protective ground cover. Bare soil is not be permitted.
 - h. All proposed plantings shall be appropriate for the soils, weather and environmental conditions of the site. Particular attention shall be paid to potential road salt and other deicing chemicals. Plant materials shall be of specimen quality conforming to the *American Standards for Nursery Stock* (ANSI Z60.1-1980 or later revision) and shall be guaranteed for at least one and one half years.
 - i. Side slopes shall not exceed thirty-three (33) percent (3:1 slope), and shall be appropriately stabilized with loam and seed, hydro-seed, sod, ground cover or mulching materials.
 - j. Existing landscaping, trees and planting materials to be retained shall be protected as necessary during construction to avoid damage.
 - k. Tree wells over 6 inches deep or other landscape features that have the potential to present a falling hazard to the public shall have grates, fences or other protective measures installed.
 - l. All trees where required shall be welled and protected against change of grade.
 - m. A minimum of __ (__) percent of land shall remain in its natural state or be maintained as appropriately landscaped area. Undisturbed wooded areas may be included in this calculation.
- 8.3. Planting Requirements.** The purpose of planting requirements is to enhance the long-term survival prospects of the plant materials used in site landscaping. These standards are also meant to ensure that the benefits of site landscaping (buffering, aesthetic enhancement, erosion control, etc.) are realized as early after planting as possible. The following standards for planting requirements shall apply:

Native plants are guaranteed to be a good ecological fit in terms of climate, rainfall and length of growing season. If properly selected with local site conditions in mind (soil, available water and sunlight) they will grow with little maintenance. Common native plants in NH include:

Trees

*American Elm
Red Maple
River Birch
White Pine
White Spruce*

Shrubs

*Witchhazel
Serviceberry
Winterberry
Nannyberry
American Cranberrybush
Arrowood*

Groundcover and Vines

*Virginia Creeper
Bearberry
Bunchberry*



- a. Planting holes for trees shall be at least two to three times the width of the rootball and shall be no deeper than the container. Shrubs shall have a planting hole three to five times the width of the rootball and shall not be deeper than the rootball itself.
 - b. Evergreen trees shall be hardy with a minimum 6-foot height at planting, full and well branched, unless otherwise specified by the guidelines. Evergreen trees are typically planted in groups of a minimum of three trees, diagonally spaced according to the species requirements.
 - c. Evergreen shrubs shall be a minimum of 2½ feet high at planting, full and well branched, unless otherwise specified by the guidelines.
 - d. Deciduous or flowering shrubs shall be planted at 3½ foot height, full and well branched, unless otherwise specified by the guidelines.
 - e. Ground cover shall be a low growing plant, other than turf or grass, which forms a continuous cover over the ground surface.
 - f. All local and state requirements for setbacks and sight distance shall take precedence for selection and placement of landscaping features, as applicable.
 - g. Plant materials shall be massed for maximum effect.
 - h. Front yard landscaping area may contain any of the following:
 - i. Public utility easements and open surface drainage easements shall not occupy more than thirty (30) percent of the required landscape area.
 - ii. Mechanical installations may be used, provided that they do not encroach more than five (5) feet into the required landscape area. Such equipment shall be 100% screened with landscape material from any view from a public right-of-way, pedestrian walkway, or off-site area requiring buffering.
- 8.4. Shade and Street Trees** (including street/sidewalk trees). All final applications shall meet the following standards for shade and street trees:
- a. Shade trees shall be hardy, drought and salt tolerant, 12 feet tall at planting and deciduous. Such trees shall be planted at 2½ to 3 inch caliper.
 - b. Shade trees shall be required along streets, parking and drives as specified in these regulations.
 - c. Street tree areas shall be planted in a continuous fifteen (15) foot wide strip parallel to the lot frontage. See Diagram 8.4.c.
 - d. One evergreen tree shall be included for every 15 feet of lot line, and one shade tree for every 40 feet of lot line, spaced not less than twenty (20) feet apart. Trees may be clustered. See Diagram 8.4.d.

Shade Trees are beneficial because they reduce air pollution, lower heating and cooling costs, offer shade, prevent erosion, and uptake harmful chemicals and nutrients. Common shade trees in NH include:

- Thornless Honeylocust*
- Pin Oak*
- Little Leaf Linden*
- Ironwood*
- White Ash*
- Marshall Seedless Ash*
- Male Ginkgo*
- White Oak*

- e. The placement of shade and street trees shall incorporate berms, fences and walls as necessary.

Diagram 8.4.c. Setback Planting, Plan and Elevation Views.

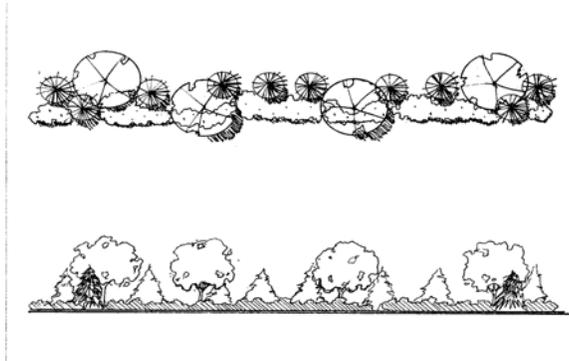


Diagram 8.4.d. Tree Clustering, Elevation View.



NH RSA 483-B provides minimum standards for shoreline protection.

- 8.5. Shoreland Protection.** As required by RSA 483-B, Comprehensive Shoreline Protection Act, all land located within 250 feet of the reference line of public waters must adhere to the following:
- a. Where existing, a natural woodland buffer must be maintained.
 - b. Tree cutting limited to 50% of the basal area of trees, and 50% of the total number of saplings in a 20 year period.
 - c. A healthy, well-distributed stand of trees must be maintained.
 - d. Stumps and their root systems must remain intact in the ground within 50 feet of the reference line

There is no substitute for good site preparation - topsoil, organic matter and drainage. If at all possible give trees their own "island." Poor site preparation is the number one cause of landscape deterioration.

- 8.6. Maintenance and Replacement of Landscaping.**
- a. Landscaping shall be maintained in good condition. The property owner will remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified, and approved by the Board.

Outdoor seating can encourage pedestrians spend more time in shopping districts. Ideal spots for outdoor seating include pocket parks or outside municipal buildings such as town/city Halls, libraries, or village stores. The outdoor seating should face towards areas of interest.



There are various designs for tree grates and outdoor furniture. Communities should use a consistent design from the same manufacturer.



- b. Avoid replacing landscape materials in the period from November - March.
- c. A permanent water supply system may be required, as necessary (sprinklers or hose bibs).
- d. A maintenance bond to cover the cost of replacement plant materials and maintenance equipment shall be provided for one year after the date of site plan approval.
- e. A note shall be provided on the Site Plan stating: "All conditions on this Plan shall remain in effect in perpetuity".

8.7. Street/Site Furniture. Site furnishings include benches, waste receptacles, planters, railings, and bollards. Visual consistency of these elements is desired throughout each development. All components of outdoor site furniture shall be low maintenance, highly durable and resistant to vandalism and theft. In most cases, the provision of street furniture is optional, except in cases involving public or private parkland, or when the proposal in question is located on street with sidewalk frontage, when it may be required.

8.7.01. Outdoor Seating Standards.

- a. Outdoor seating shall be comfortable, attractive, durable and easy to maintain.
- b. Locate benches at major building site entryways, drop-off areas, transit stops, pedestrian courtyards and plazas.
- c. Attempt to locate benches in areas that receive sunlight, are sheltered from winds in the winter and are shaded in the summer.
- d. Where seating is fixed, provide a variety of arrangements (both linear and grouped), which accommodate two to six persons.
- e. Benches shall face towards areas of interest and not towards the roadway.

8.7.02. Planter and Waste Receptacle Standards.

- a. Design planters and waste receptacles to coordinate with other furniture
- b. Use materials and colors similar to those used for benches and other outdoor furniture

8.7.03. Tree Grate Standards. Use tree grates to prevent excessive soil compaction and to add interest to the pavement. Choose tree grates that are fabricated of a strong, durable material. In areas which receive heavy pedestrian traffic, tree guards may be appropriate to give added protection to young trees.

Water Quality Protection is mandated in RSA 483-B:2, Minimum Standards Required, which provide for the “minimum standards necessary to protect the public waters of the State of New Hampshire.”

Stormwater has been identified as the cause of 92% of the impairments of rivers and lakes in New Hampshire.

Stormwater is runoff from rainstorms or snowmelts that flows over the land instead of infiltrating into the ground. Stormwater is the main source of non-point pollution and increased development poses increased threats to water quality if is not managed well.

Strained ground and surface water resources need to be replenished. Rather than treat stormwater as a nuisance, it should be retained on site and treated as a valuable resources. Treatment areas should be well landscaped.



9. WATER RESOURCES STANDARDS

9.1. Water Quality Protection. All aspects of the application shall be designed so that:

- a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters.
- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall meet the standards of the New Hampshire Department of Environmental Protection (NH DES), Water Supply and Pollution Control.
- c. All projects of such magnitude as to require a stormwater permit from the NH DES shall comply with the standards of the NH DES with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit from the NH DES, it shall be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

9.2. Stormwater Management. Adequate provisions shall be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces. All construction activities, regardless of the area of disturbance, shall meet the following performance guidelines:

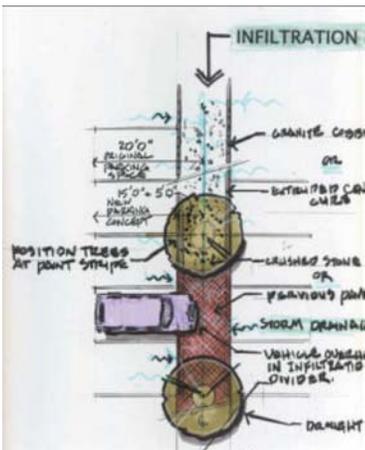
- a. An undisturbed buffer shall be retained around all wetlands and surface waters as required by the wetland ordinance.
- b. All stormwater treatment areas, such as treatment swales, detention and retention areas, and mitigation areas, shall be planted with grasses, shrubs and/or other plantings sufficient to prevent soil erosion and to promote proper treatment of the proposed runoff.
- c. Buildings, streets, parking lots and other construction shall be located out of the post-development flood plain to reduce construction and post-construction drainage problems.
- d. Buffers may be used for greenway trails, and the creation of stormwater wetlands.
- e. Snow and salt storage areas shall be located such that no direct discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater.
- f. The plan shall attempt to retain stormwater on the site using the natural flow patterns of the site. Effort shall be made to utilize natural infiltration best management practices (ie. bio-retention

Swales are one of the most commonly used stormwater practices, especially in rural areas. A swale slows down the rapid flow of stormwater by ponding water in between its sloping sides, often called berms.



The developed site needs to be able to accommodate a 24 hour duration storm that could occur every two years and not produce a greater rate of runoff than the pre-developed site.

Infiltration dividers utilize the untravelled overhang space between rows of parked cars as a place to infiltrate large amount of stormwater:



Common types of temporary erosion and sediment controls are silt fences and hay bales. Specific installation methods can be stipulated in site plan approval to ensure successful control of erosion and sedimentation during construction.

- areas, expanded engineered swales). However, artificial infiltration best management practices (ie. infiltration trenches) shall be permitted with an acceptable maintenance plan as required in [Section 9.7](#).
- g. Measures shall be taken to control the post-development peak rate of runoff so that it does not exceed pre-development runoff for the 2-year, 24-hour storm event and for additional storm event frequencies as specified in the design criteria of the Rockingham County Conservation District, NH Department of Environmental Services, Soil Conservation Service (now the Natural Resources Conservation Service), *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*, August 1992, as amended, a copy of which is available from the Planning Board.
 - h. The applicant shall demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, such as flooding and erosion of stream banks and shoreland areas.
 - i. Priority shall be given to preserving natural drainage systems including perennial and intermittent streams, wetlands, swales, and drainage ditches for conveyance of runoff leaving the project area. The biological and chemical properties of the receiving waters shall not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.
 - j. The design of the stormwater drainage system shall provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils and vegetation.
 - k. The design of the storm drainage systems shall take into account upstream runoff which shall pass over or through the site to be developed and provide for this movement.
 - l. Whenever practical, natural vegetation shall be retained, protected or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
 - m. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance.
 - n. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.

The EPA Phase II stormwater rule came into effect on February 7, 2000. The rule covers public bodies that have municipal separate storm sewers, including roads with drainage systems and municipal streets that are not part of a public owned treatment works and that are located in any area defined as an "urbanized area." The phase II rule requires covered entities to develop a Stormwater Management Plan and Best Management Practices to reduce the impacts of stormwater discharges. Among other control measures, the rule requires the covered entities to develop and enforce a program to reduce pollutants in post-construction runoff from new and re-development projects greater than one acre. This includes developing regulation that requires the implementation of post-construction runoff controls and ensure their maintenance.

The City of Nashua and the Towns of Amherst, Hollis, Hudson, Litchfield, Merrimack and Pelham must address Phase II rules. The remaining rural communities in the NRPC Region do not have to address Phase II rules because they do not fall into the urbanized area. However, it is recommended that these communities implement the Phase II stormwater rules, regardless.

Each situation where runoff occurs or will occur must be analyzed individually before a Management Plan is selected. Soil, slope, size of the drainage area, potential for future development and the site's location in the watershed area are important considerations.

- o. Measures shall be taken to control erosion within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Wetland areas and surface waters shall be protected from sediment.
 - p. Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible or carried non-erosively through the project area. Integrity of downstream drainage systems shall be maintained.
 - q. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days unless conditions dictate otherwise.
- 9.3. Stormwater Management and Erosion Control Plan Requirements.**
- 9.3.01. The applicant shall submit a stormwater management and erosion control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:
- a. Construction or reconstruction of a street, road or parking lot.
 - b. A subdivision of more than three building lots.
 - c. Disturbed critical areas or slopes greater than 15%.
- 9.3.02. Stormwater and Erosion Control Plans shall meet the following requirements and / or show the following information:
- a. The plan shall be in compliance with the EPA Phase II Stormwater Rules, as amended.
 - b. All measures in the plan shall meet as a minimum the Best Management Practices (BMP) set forth in the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*, as amended.
 - c. A report section that includes:
 - i. Design calculations for all temporary and permanent structural control BMP measures.
 - ii. A proposed schedule for the inspection and maintenance of all BMPs.
 - iii. Identification of all permanent control measures and responsibility for continued maintenance.
 - iv. Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff.
 - v. When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in the *Stormwater*

Detention basins can be used to manage stormwater on site.



Bonding is required to guarantee improvements are actually constructed in the appropriate manner. The nature and monetary amount of improvement guarantees, however, should reflect a balancing interest: developers should not be required to provide guarantees that are excessive in amount, duration or cost; yet the public must be protected from improper installation of site improvements.

The best designed and constructed stormwater treatment structure will only work if it is maintained. Stormwater treatment systems can become clogged with sediment from road salting/sanding and runoff from severe rain events. Therefore, communities must require and enforce maintenance plans provided by the developer.

Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.

9.4. Responsibility for Installation and Construction. The applicant shall bear final responsibility for the installation, construction, inspection and disposition of all stormwater management and erosion control measures required by the provisions of these regulations. Site development shall not begin before the stormwater management and erosion control plan receives conditional approval. Best Management Practices shall be installed as designed and scheduled as a condition of final approval of the plan.

9.5. Bonding. The Planning Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Planning Board and expressed in the bond or the surety.

9.6. Plan Approval and Review. The Planning Board shall approve the stormwater management and erosion control plan if it complies with the requirements and objectives of these regulations. Such approval shall be a component of the overall subdivision or site plan approval. If disapproved, the Planning Board shall furnish the applicant with a list of plan deficiencies and procedures for filing a revised plan.

Technical review of any stormwater management and erosion control plan prepared under these regulations shall be reviewed by the Conservation Commission or other qualified professional consultant, as determined to be appropriate by the Planning Board, at the expense of the applicant.

9.7. Maintenance and Inspection.

- a. After final Planning Board approval, a narrative description of on-going maintenance requirements required by stormwater management and erosion and sediment control plans shall be recorded on the deed to the property on which such measures are located. The description shall comply with the requirements of RSA 478:4-a.
- b. The planning board may require routine inspections to insure compliance with the Stormwater Management, Groundwater Protection, Impervious Surfaces, and Erosion and Sedimentation Control sections of these regulations. Such inspections shall be performed by the designated agent at reasonable times to the landowner.
- c. If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.
- d. The selectmen may require a fee for routine inspections of water quality protection measures. The fee shall be paid by the owner of the property. A fee schedule shall be established by the board of selectmen which represents the cost of performing an inspection on various types of water quality protection measures. The procedure

More than 60% of NH's residents depend on GW for their drinking water supplies. The greatest threat to groundwater is contamination from mismanaged activities on the land surface.

Limiting impervious surfaces to 20% of the lot in an aquifer protection district is effective in rural areas where floor area ratio (ratio between building area and lot area) is low. However, it is not as feasible in urban areas where re-development may be a community goal. In this case, the 20% requirement may be inappropriate and effective technological solutions such as infiltration systems should be used to ensure that groundwater is recharged.

Regulated substances and activities are considered potential contamination sources under the Groundwater Protection Act, and are listed in RSA 485-C: 7.

- for adoption of the fee schedule shall be as provided for in RSA 41-9:a.
- e. Prior to the issuance of any certificate of occupancy, the applicant / developer shall post a bond or other security to cover the cost of installation of any stormwater management and erosion control measures.
 - f. A set of As-Built Plans shall be submitted to the Planning Board within thirty (30) days of the completion of construction, before any certificate of occupancy can be issued. A post-construction inspection will be scheduled as soon as possible after the As-Built Plans have been received. If the Planning Board determines that the stormwater management and erosion control measures do not meet the above requirements or conditions of approval, the Planning Board may revoke the site plan at a properly noticed public hearing.
- 9.8. Groundwater Protection.** The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of New Hampshire.
- 9.8.01.** Within a groundwater or aquifer protection overlay district, all applications shall meet the following standards for groundwater protection:
- a. No more than twenty percent (20%) of a single lot or building site shall be rendered impervious to groundwater infiltration. To the extent feasible, all runoff from impervious surfaces shall be recharged to groundwater on-site. Recharge impoundments shall have vegetative cover for surface treatment and infiltration.
 - b. All State of New Hampshire regulated substances with a capacity of five (5) gallons or more shall be stored in product tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains.
 - c. Outdoor storage of State of New Hampshire regulated substances shall be protected from exposure to precipitation and shall be located at least 50 feet from surface waters or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius or wellhead protection area of wells used for public water supply.

Water quality is impaired as stormwater flowing from impervious surfaces collects oil, grease and other pollutants and is discharged to streams, lakes and wetlands.

Overflow parking can be reinforced with load bearing pervious pavers that allow grass to grow between them. The roots are protected and vehicles are supported. Suspended pollutants and moderate amounts of engine oils are consumed by active soil bacteria rather than draining directly into surface waters.



Photo courtesy of Invisible Structures, Inc.

Similar to [Section 9.8.01.a](#), the maximum permissible impervious area requirements of [Section 9.9.b](#) should vary depending on whether the community is urban, suburban or rural. Groundwater infiltration systems may be useful in urban and suburban areas where the floor area ratio should be maximized to encourage compact development.

- d. Secondary containment shall be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of State of New Hampshire regulated substances are stored outdoors.
 - e. Containers in which State of New Hampshire regulated substances are stored shall be clearly and visibly labeled and shall be kept closed and sealed when material is not being transferred from one container to another.
- 9.9. Impervious Surfaces.** Impervious surfaces can negatively impact surface and ground water quality in a number of ways. Impervious surfaces, such as paved parking lots decrease infiltration and recharge of groundwater, provide an express route for runoff to reach waterways, provide a surface upon which pollutants can accumulate, and prevent the natural processing of pollutants in soil, plants, and wetlands. Therefore, all final applications shall minimize the area of impervious surfaces, and address the potential negative impact of impervious surfaces on surface and groundwater resources. All final applications shall meet the following standards for impervious surfaces:
- a. The maximum permissible impervious area varies according to the type of land-use. For purposes of these regulations, the total impervious area of a lot or site is defined as the total area of impervious parking lots, streets, driveways, roof area, decks, paved walkways, sidewalks, and any concrete, stone, brick, asphalt to compacted gravel surface.
 - b. The total permissible impervious area by land-use is as follows:
 - i. Multifamily greater than 3 units: 40%
 - ii. Commercial/Retail: 70%
 - iii. Industrial/Warehouse: 60%
 - c. These standards may be modified by the Planning Board if it can be shown to their satisfaction that a greater amount of impervious surfaces will not adversely impact surface and groundwater quality, or increase the post-development amount of stormwater runoff. The Planning Board can demand special engineering studies in order to make a determination on any request to exceed the impervious limits specified herein.
 - d. *Parking Lots.* Every effort shall be made to use pervious parking surfaces as an alternative to impervious asphalt or concrete, except in cases where it is determined that a traditional impervious parking lot with engineered stormwater systems (catch basins with oil / water separators, vegetated swales, detention basins, etc.) renders greater protection of surface and groundwaters than pervious pavement. Pervious paving areas can be used to facilitate groundwater recharge and reduce the need for curbs, gutters, and drainage systems. Every attempt shall be made to use pervious parking surfaces for all new lots of less than 50 parking spaces except in cases as noted above.

The status and availability of a town's utilities and public services is a necessary component to planning for the future growth of a community. Natural constraints need to be identified and taken into consideration when planning for public utilities

Electrical circuits are generally placed underground to protect the lines from high winds, ice and other damaging elements and also to improve aesthetics

However, rural communities may permit above ground utilities if site constraints such as high ledge will result in excessive tree clearing or blasting in order to install underground utilities.

A sufficient water supply must be available to satisfy both residential and nonresidential uses, to provide for adequate fire protection, and to respond to peak water use periods.

Where a public or community water supply system is available, developments should connect to such systems. Clean water is a basic public requirement and public water systems work to ensure that clean water will be provided. The specifications to be placed in the Appendix can be provide by the local water supplier.

10. UTILITIES STANDARDS

10.1. General Provisions.

10.1.01. The development shall be provided with utilities, including water, fire protection, sewer/septic, telephone, electric and gas, to adequately meet the anticipated use of the project.

10.1.02. All new utility services, wires, conduits and cables shall be constructed underground except in cases where the town/city's designated representative determines that topographic, bedrock or underground water conditions would result in excessive costs to the applicant.

10.1.03. All new aboveground utility lines where permitted shall be located at the rear of all lots unless the town/city's designated representative, upon the recommendation of the utility company, provides reasons that justify the location of easements at another location. All new aboveground utility lines and facilities shall be screened from view to the extent feasible.

10.1.04. All transformers, telecommunications devices, equipment switching boxes and other utility cabinets shall be hidden from street and pedestrian areas with landscaping of architectural screens. Meters shall not be exposed where visible to the public.

10.1.05. Temporary overhead power and telephone lines are permitted during construction only.

10.2. Water Supply.

10.2.01. Where a public water supply is reasonably accessible or required because of groundwater pollution problems, the development shall be provided with a complete water distribution system, including a connection for each building (in the case of nonresidential developments) or for each unit (in the case of multifamily developments).

10.2.02. Where public water supply is not available, as determined by the Planning Board and the town/city's designated representative, or not required, the applicant shall supply acceptable evidence of the availability of water. The applicant may be required to drill one (1) or more test wells in the area to be platted. All wells shall be located and installed so as to conform to the applicable regulations adopted by the NH Water Supply and Pollution Control Division (NHWSPCD) and the municipality's health officer. All wells shall be located so as to comply with the minimum distance requirements outlined in Appendix __.² As a precaution against seepage, a watertight seal shall be provided around the well casing. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

10.2.03. When a public water main is accessible, the applicant shall install adequate water facilities subject to the specifications outlined in Appendix __.

10.2.04. Private wells and other water distribution systems may be accepted for maintenance and operation by the town/city water engineer if the ownership is vested to the town/city and if the water distribution system has been constructed according to the specifications and approved by the town/city's Board of Selectmen.

10.3. Sanitary Sewers. All nonresidential sewage disposal system shall be designed, constructed and operated in a manner that will prevent the spread of disease and illness; prevent the pollution of the municipality's brook, streams, ponds, lakes, and groundwater table; and assure and adequate supply of potable and palatable water for human consumption.

10.3.01. General Requirements. All developments shall provide for reasonable accessible adequate toilet and lavatory facilities properly constructed and ventilated and kept in proper sanitary condition. All toilets, lavatories, sinks and other plumbing fixtures having drains shall be connected to an approved on-site system.

10.3.02. Hazardous Wastes. No wastes, other than human waste, kitchen waste and wastewater containing normal household detergents shall be disposed of by onsite subsurface waste disposal systems without the express prior written approval of the Planning Board. The mere approval of a nonresidential site plan shall not constitute approval for the disposal of wastes other than human waste, kitchen waste and wastewater containing normal household detergents. All hazardous wastes, including chemicals and other liquids, used as part of a manufacturing, cleaning or repair process shall be disposed of at an off site disposal facility approved by the State of New Hampshire and the Federal Environmental Protection Agency.

10.3.03. Design and Installation. All waste disposal systems shall be designated and installed in accordance with the rules, regulations and design criteria adopted by the NH Water Supply and Pollution Control Division (NHWSPCD). No waiver by the NHWSPCC shall be binding on the Planning Board unless concurred on by a two-thirds vote of the Board. All waste disposal systems that use a standard leach field shall be designed by either a licensed professional engineer or a licensed septic designer. A registered professional engineer shall design all other systems, including those that utilize aeration chambers.

10.3.04. Location of Leach Beds and Aeration Chambers. Leach beds and aeration chambers shall not be located on wetlands, floodplains, ledge areas or steep slopes. The bottom of every leach bed or aeration chamber shall be at least eight (8) feet above any impermeable substratum and at least four (4) feet above seasonal high water table. There shall be at least five (5) feet of natural soil between the bottom of every leach bed or aeration chamber and any impermeable substratum. All new nonresidential site development plans shall provide for an alternate leach bed and/or aeration chamber area capable of supporting a leach bed or aeration chamber designed and installed in accordance with these regulations.

This section provides the basic requirements to ensure lavatory facilities do not adversely affect the public health. The specific design requirements are regulated by the building code.

This includes Household Hazardous Waste items such as motor oil, paint, fertilizers or pesticides

The New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division (NHWSPCD) requires construction and operational approvals for all new and expanded subsurface sewage disposal systems. Proof of these approvals should be provided as a condition of site plan approval.

This is especially important for areas located in close proximity to an aquifer. Proper location of a leach bed is important due to the possibility underground migration into the groundwater.

The Town or City Engineer should be responsible for reviewing plans for waste disposal systems and confirming that actual construction meets the approved plans.

10.3.05. Minimum Distances. Septic tanks, leach beds, aeration chambers, dry wells and sewer lines shall be located at least the minimum distances shown in Appendix __. No leach field or bed shall be located under or within twenty-five (25) feet of any concrete or bituminous concrete surface covering.

10.3.06. Plans and Permits. No building permit for any building required to have running water and toilet facilities shall be issued until three (3) copies of the plans for the waste disposal system have been submitted to and approved by the Town/City Engineer. No occupancy permit for any such building shall be issued until all of the inspections and approval required by these regulations have been made by the Town/City Engineer.

10.3.07. Preliminary Inspections and Approvals. The Town/City Engineer shall witness all test pit determinations of soil types and soil percolation rates. It shall be the duty of the Town/City Engineer to verify the soil types, seasonal high water table and the soils percolation rate. The verification of the Town/City Engineer shall be attached to all waste disposal system plans and applications submitted to the NH Water Supply and Pollution Control Division (NHWSPCD). It shall be the duty of the Town/City Engineer to mail or deliver all such approved plans to NHWSPCD within twenty four (24) hours of their approval by him/her.

10.3.08. Final Inspection and Approval. No waste disposal system shall be covered until it has been inspected and approved in writing by the contractor of subcontractor who installed the system, a representative of NHWSPCD (except in the case of repairs or replacements of existing systems), the Building Inspector or an Assistant Building Inspector and the Town/City Engineer. The approval in writing shall constitute certification by the above inspectors that the system has been located and constructed in accordance with the waste disposal system plans approved by NHWSPCD and the Town/City Engineer.

10.3.09. Repairs and Replacement. The repair and/or replacement of existing waste disposal systems shall require approval from the Board pursuant to these regulations, or as otherwise permitted by the State of NH for "in-kind" replacement .

10.4. Electric, Telephone and Gas Improvements.

10.4.01. In the case of nonresidential development, electric and telephone service shall be provided for each building within the site. In the case of multifamily developments, electric and telephone service shall be provided for each unit within a site. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they shall be required to be installed within the area prior to the approval of the final plat.

10.4.02. The width of the easement per lot shall be not less than the standards outlined in Appendix __.

It is likely that the developer will arrange for appropriate electric, telephone and/or gas facilities to be available on site. However, in rural areas, it is important to confirm that such facilities are available or it is financially feasible to extend them to the site.

If the proposed development is located in an area where further growth is projected, then the utilities installed should be of a size and design able to accommodate the future growth.

10.4.03. Whenever a major gas transmission line is on or adjacent to property proposed to be subdivided, adequate measures shall be taken to insure that all buildable sites are at a minimum safe distance from the transmission line easement.

10.5. Oversize and Off-Site Improvements. The Planning Board may require that utilities, pavements and other land improvements for the proposed site plan be designed oversized, and/or with extensions provided, to serve nearby land that is an integral part of the neighborhood service or drainage area as determined by the town/city's designated representative. The applicant shall only be required to pay only for his/her percentage cost of construction of utilities as determined by ordinance or the town/city's designated representative.

Proper storage and handling of solid and hazardous waste is regulated to protect public health and minimize visual and odor nuisance complaints. Statutes that apply in part are: RSA 147, Nuisance, Toilets, Drains, Expectoration, Rubbish and Waste, and RSA 149-M, Solid Waste Management. In addition, NH Code of Administrative Rules Env-Wm 100-300, 2100-3700, Solid Waste Rules, and 110-1004, Hazardous Waste Rules apply. EPA regulations pertaining to solid, hazardous and toxic waste may apply.

Other than construction in progress and common bulk waste, activities such as farms, scrap/junk salvage yards and licensed recycling operation are regulated.

Owners or their contracted haulers are responsible for providing proper storage containers in order to securely and safely store waste on-site.

11. ON-SITE WASTE STORAGE AND DISPOSAL STANDARDS

11.1. General Provisions. All site plans, both rural and urban, shall conform to the following regulation for the protection of the public's health, prevent nuisance, protect air, and protect surface and ground water resources

11.2. Waste Accumulation. Except as otherwise allowed by these regulations, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid or liquid waste accumulations. This includes the improper storage of construction debris or lumber piles and building materials unless being actively used by a business or construction requiring the use of such materials is ongoing. This section does not restrict the commonly accepted activities of farms, junk/salvage yards, licensed automobile, scrap iron, and metal recyclers and salvage operations as permitted by state statute and/or local zoning.

11.3. Storage Containers.

11.3.01. Every property shall be supplied with adequate solid and/or liquid waste storage containers. These containers shall be provided by the owner of the property, Construction Company or by contract with a Commercial Hauler. The owner of the property will use such containers for storage. If the property owner does not occupy the property, they shall insure that the occupant or tenant uses such containers for storage.

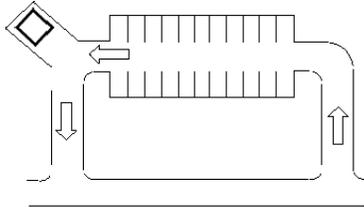
11.3.02. All solid waste storage containers shall be of sound construction resistant to insect or animal entry. Liquid waste may only be stored in tanks designed for the particular waste type. Containers will be constructed with rust and impact resistant materials and will be equipped with tight-fitting covers. They shall have an appropriate child safe design and be secure from unauthorized access after business hours (locked). The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-free condition; if a Commercial Hauler supplies the container, they shall be responsible for this maintenance.

11.3.03. The owner of a property shall insure that the contents of all waste containers are to be emptied or removed for disposal not less than once every two weeks, or as necessary to prevent nuisance odors. Liquid wastes and source-separated recyclable waste materials that do not produce harmful or nuisance odors may be stored without collection for greater than two weeks.

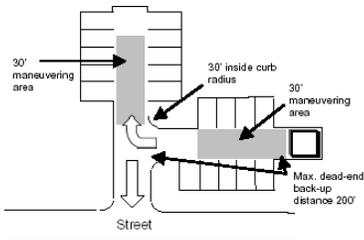
11.3.04. An appropriate location shall be provided for permanent placement of waste containers. Dumpsters and other large exterior waste containers shall be located at service entrances and at the rear of buildings.

11.3.05. Waste containers shall not be located in primary visual or heavily traveled pedestrian traffic areas.

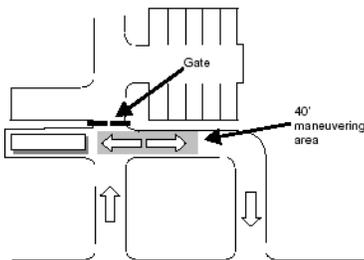
One-way circulation preferred to avoid backing up in the parking lot.



Backing up requires 30 foot maneuvering areas.



Roll-off containers require a 40 foot maneuvering area.



Abutters and public areas are to be screened to enhance site appearance. Except for temporary set out locations and some urban alley pick up, partial or complete screening is required when visible to the public.



11.3.06. Waste containers cannot be located within 10 feet of combustible building walls or openings nor be located below windows or under roof eaves/overhangs.

11.3.07. Waste containers are to be located such that pickup can be accomplished by truck with minimal manual movement.

11.3.08. Waste containers are to be located so as to not complicate snow removal or to be blocked by piled snow.

11.3.09. Dumpster or other waste container pads must be a minimum of 20 feet from any curb or yard inlet for stormwater collection. The outfall of any stormwater pipe that drains the area where a Dumpster or other waste storage container is located must traverse a minimum of 50 feet of vegetated area before reaching the banks of the watercourse itself. When a Dumpster or other waste storage container pad is adjacent to a watercourse, a minimum landscape area of 50 feet must be maintained between the pad and the bank of the watercourse.

11.3.10. If the location of storage is different than the location of set-out for collection, containers may not be set out for collection for more than 24 hours. Both permanent and temporary locations for solid waste containers shall be concrete or other approved impervious surface. Liquid or mixed waste shall require containment features to prevent uncontrolled spills.

11.4. Screening. Waste containers shall be screened from public view by appropriate means, such as fencing, natural buffers or as otherwise approved by the Planning Board. Natural screening of dumpsters is encouraged. Junkyards, scrap, recycling and other businesses that store large quantities of material on-site and in public view shall comply with this Section. Unscreened waste containers shall be neutral colored, so as to blend into the surroundings. In cases where total screening is impractical or the setout location is temporary as described above, a waiver shall be required.

11.5. General Disposal Requirements.

11.5.01. No person shall use or allow land or property under his or her ownership and/or control to be used for waste disposal purposes except at operations for which a license for disposal has been granted.

11.5.02. All storage and disposal of waste, whether hazardous or non-hazardous, shall be in accordance with applicable Federal, State and local regulations.

According to RSA 674:44.II(a) (3), the site plan review regulations which the planning board adopts may guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.

The purpose of the noise regulation is to ensure that commercial or industrial operations do not provide a nuisance to surrounding residents or other non-residential uses.

12. NUISANCE STANDARDS

12.1. Noise Standards.

12.1.01. Excessive noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

12.1.02. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by these regulations shall be established by the time period and type of zoning district as shown in Table 12.1.02. Sound pressure levels shall be measured at all major lot lines, at a height of at least four feet above the ground surface.

- a. The levels specified may be exceeded by 10 decibels for a single period, no longer than 15 minutes, in any one day.
- b. Both dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of these regulations.

Table 12.1.02. Sound Pressure Levels

Zoning Districts	Sound Pressure Level Limits (Decibels)			
	7 a.m. - 10 p.m.		10 p.m. - 7 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
Commercial/Industrial	60	72	50	62
Other Districts	55	67	45	67

12.1.03. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.401961), *American Standard Specification for General Purpose Sound Level Meters*. The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962, *American Standard Method for the Physical Measurement of Sound*.

12.1.04. No person shall engage in, cause, or permit to be engaged in very loud construction activities on a site abutting any residential use between the hours of 9 p.m. one day and 7 a.m. of the following day. Construction activities shall be subject to the maximum permissible sound level specified for business districts for the periods within which construction to be completed pursuant to any applicable building permit. The following uses and activities shall be exempt from the sound pressure level regulations:

- a. Noises created by construction and maintenance activities between 7 a.m. and 9 p.m. (Monday - Friday) and 8 a.m. and 5 p.m. (Saturday & Sunday).
- b. The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
- c. Traffic noise on existing public roads, railways or airports.

Similar to noise regulation, the purpose of the odor regulation is to ensure that commercial or industrial operations do not provide a nuisance to surrounding residents or other non-residential uses.

Lighting regulations can address multiple objectives, including enhanced public safety through the reduction of glare and enhanced visibility, preservation of rural character and dark skies, and energy conservation. The purpose and intent section should reflect local concerns and circumstances.

The intent of these regulations is to preserve rural character. The intent for urban communities may be to reduce glare between abutting properties and along the roadway.

- d. Activities of a temporary nature unable to meet these requirements, upon approval following development review by the Planning Board.

12.2. Odors.

12.2.01. Any activity or operation which results in the creation of odors of such intensity and character as to be detrimental to the health, safety or welfare of the public, or to interfere with the normal use and enjoyment of property, shall be removed, stopped, or modified so as to eliminate the odor. Farming operations are exempt provided Best Available Control Technology (BACT) and/or Best Management Practices (BMP) are adhered to.

12.2.02. The Planning Board may request quantitative measurement for the determination of both content and concentration of emissions not readily identifiable or suspected to be hazardous in nature. The municipality may seek to recover the cost of such testing if a violation has occurred or the emitter refuses to disclose either the contents or source of the emission.

12.2.03. *Dust and Fumes.* Emission of dust, dirt, fly ash, fumes, vapors or gasses which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property at any point beyond the lot line of the use creating that emission shall be prohibited.

12.2.04. *Smoke and Particulate Matter.* In all cases, air pollution control and abatement shall comply with applicable minimum Federal, State and local requirements, including receipt of all required permits. The maximum permitted density of smoke, dust and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under the regulations of the NH Department of Environmental Services (NH DES).

12.3. External Lighting.

12.3.01. *Purpose and Intent.* The purpose of these regulations is to preserve the rural atmosphere and dark skies of the community. One key difference between rural towns and cities is the darkness of the night sky and the amount of glare and sky glow resulting from outdoor lighting. Natural dark skies are the nighttime aspect of rural character. Increasing light pollution and glare from inappropriate lighting degrades such rural character.

These regulations are intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, providing for lighting that will complement the character of the town/city, reduce glare, minimize light trespass, reduce the cost and waste of unnecessary energy consumption and prevent the degradation of the night sky.

12.3.02. *Applicability.*

- a. The lighting requirements of this Section shall apply to all outdoor lighting in nonresidential developments requiring site plan

The lighting plan should show the location, height and design of all exterior lighting fixtures.

The Planning Board may also require an iso-lux / footcandle plan. This plan shows where the light is emitted at ground level.

approval from Planning Board, as well as all new and replacement outdoor lighting in nonresidential properties.

- b. Though they are not subject to permitting through these regulations, residential homeowners are encouraged to use full cutoff lighting fixtures and prevent light trespass onto neighboring properties. Residential lighting guidelines can be obtained at the Town/City Hall during normal business hours.
- c. Proposed lighting installations or modifications that are not covered by these regulations shall conform to the Illuminating Engineering Society of North America (IESNA) standards.

12.3.03. *Lighting Plan.* Wherever outside lighting is proposed in a site plan review, it shall be accompanied by a lighting plan which shall show:

- a. The location of the site where outdoor lighting fixtures will be installed.
- b. Scaled plans indicating the location of outdoor lighting fixtures on the site, the height of each fixture and the type(s) of outdoor lighting proposed and the level of wattage and initial lumens for all light sources.
- c. A description of the outdoor lighting fixtures including but not limited to manufacturer's catalog descriptions and drawings. The required plans and descriptions shall be sufficiently complete to enable the Planning Board to readily determine compliance with the requirements of this regulation. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination. Examples of recommended lighting fixtures is available from the Planning Board Office and the Building Inspectors Office.
- d. The Planning Board may require an iso-lux / footcandle plan indicating levels of illumination, in footcandles, at ground level. The maintained horizontal illuminance standards set by the Illuminating Engineering Society of North America (IESNA) shall be observed.
- e. If any site plan proposes to have installed street or common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of these regulations shall be adhered to.

This section specifies the intensity of light, specified in lumens, beyond which the requirement for full cutoff lighting applies. The following gas station / convenience store uses fully shielded lighting. The fuel bays are well lit but the light does not trespass onto the roadway or abutting developments:



The following are examples of various lighting fixtures:



Acorn Fixture



Bollard Fixture



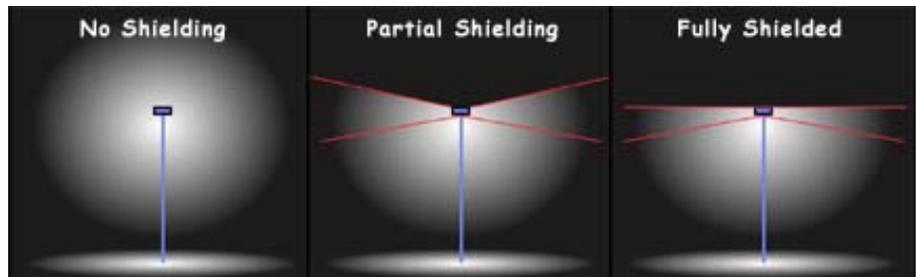
Cobra Fixture

Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building inspector for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

12.3.04. Control of Glare and Light Trespass.

- a. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens shall be of fully shielded (cutoff) design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire. See Diagram 12.3.04.

Diagram 12.03.04. Various levels of light shielding (cutoff).



- b. Luminaires, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on abutting land.
- c. Flood or spot luminaires shall be full cutoff if they are 900 lumens or more.
- d. The following illustrations depict the three standard types of outdoor lighting. Control of sky-glow, glare and light trespass is minimized as the level of cutoff increases.

12.3.05. Lamps. Lamp types shall be selected for optimum color rendering as measured by their color rendering index (CRI), as listed by the lamp manufacturer. Lamps with a color rendering index lower than 50 are not permitted. This paragraph shall not apply to temporary decorative lighting which may include colored lamps, such as holiday lighting. Commercial Lighting shall meet minimum IESNA illumination levels while not exceeding IESNA uniformity ratios and average illuminance recommendations.

12.3.06. Hours of Operation. Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m. with the following exceptions:

- a. If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination



High Mast Fixture



In-Ground Fixture



Traditional Post Fixture



Wallpack Fixture

- shall be allowed during the activity and for not more than one hour after the activity ceases;
- b. Low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.

12.3.07. *Signage.* Any luminaire intended to illuminate a sign or billboard shall be shielded so that its direct light is confined to the surface of such sign or building. The average level of illumination on the vertical surface of the sign shall exceed 3.0 footcandles, and the ratio of average to maximum illuminance shall not exceed 2:1. Lighted off-premise signs, if permitted, shall be turned off upon closing, or 10:30 p.m., whichever is earlier. Lights that flash, rotate, move, or simulate motion are not permitted.

12.3.08. *Facade Lighting.* Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination shall be concealed. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

12.3.09. *Sports Lighting.* Sports venue lighting is exempt from any lumens per acre standards for the playing field only. Full-cutoff fixture design is required and light trespass requirements apply. No lighted outside sporting or entertainment event shall start after 10:00 p.m. or extend beyond 11:00 p.m.

12.3.10. *Searchlights.* The use of searchlights except by civil authorities for public safety is prohibited.

12.3.11. *Communications Towers.* The nighttime use of white or white strobe lighting is prohibited unless written proof of FAA requirement is provided.

12.3.12. *Waivers.* The Planning Board may waive or modify the requirements of this Section, provided it determines that such modification is consistent with the objectives set forth in these regulations, in the following cases:

- a. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists.
- b. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas.
- c. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation.

A comprehensive set of site plan regulations should anticipate circumstances and special cases that may warrant waivers or exemptions from the full standards of the regulations. The more specifically these situations can be described, the easier it will be for the Planning Board to fairly apply the ordinance in all circumstances.

Coordination between the Planning Board and the local law enforcement agency will be necessary.

- d. Where it can be demonstrated that for reasons of the geometry of a lot, building, or structure, complete shielding of direct light is technically infeasible.

12.3.13. *Exemptions.* The following types of lighting are exempt from this Section of the ordinance:

- a. State or Federal regulated lighting such as airports, towers requiring lighting, highway signage and traffic signals, etc.
- b. Low wattage or low voltage temporary decorative lighting used for holidays, festivals and special events, provided they do not pose a safety or nuisance problem due to light trespass or glare.
- c. Continuous colored tube lighting (neon lighting), except that it shall not remain on after a business has closed or as regulated under the Signage section.

12.4. These nuisance regulations are enforceable by the Board of Selectmen/Aldermen, their designee and law enforcement officers under [Section 16.0](#) of these regulations.

According to RSA 74:44.II(a)(3), site plan regulations may guard against such conditions as would involve danger or injury to health, safety or prosperity by reason of inadequate provision for fire safety, prevention, and control.

Fire protection standards are essential for the protection of life and safety of residents and businesses. Some standards are based on The 1997 Uniform Fire Code. Some of the applicable standards for fire protection are as follows: NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting; NFPA 1963, Standard for Fire Hose Connections; OSHA Regulations, 29 CFR 1910 L, Fire Protection.

Written approval from Fire Chief or Fire Engineers should be required for all site plans. They may also require installation and approval of necessary water supplies, (hydrants, fire ponds, etc..) in accordance with required standards.

Accessibility around buildings and to fire suppression systems requiring Fire Department hookup is required. Hydrants supplying these systems shall be a maximum of 100 feet from Fire Department connections to that system.

For rural communities, emergency vehicle access needs to be balanced with the need to preserve rural character. Fire lanes are generally only used in high density urban areas where it is extremely important to have 24 hour access for emergency apparatus.

13. FIRE PROTECTION STANDARDS

- 13.1. Fire Department Approval.** Applicants shall submit their plans to the Fire Chief and/or Fire Engineers for their review and approval. The Board will not approve any site plan until it is in receipt of a letter from the Fire Chief and/or Fire Engineers stating that they have reviewed the plans and that in their opinion the plans provide for adequate fire fighting access and for full compliance with the life safety standards. In appropriate cases, the Fire Chief and/or Fire Engineers may require the installation of fire hydrants, fire ponds, fire pumps and/or dry hydrants. The Fire Chief and/or Fire Engineers shall also approve all hydrants, including the type of hydrant, type of control valves, and location of hydrants. Water lines serving any hydrant shall meet the standards specified by the designated water provider or municipal department responsible for water system or public works specifications.
- 13.2. Access.** All buildings shall be accessible on all sides to fire trucks and other fire fighting equipment. See Fire Lanes below. Exceptions require Fire Department and planning board approval.
- 13.3. Standpipes.** Sprinkler system standpipes shall be located so as to provide easy access to fire trucks with a minimum of danger to fire trucks and men. Hydrants required providing supplemental water for automatic fire protection systems shall be within 100 feet of the fire department connection for that system.
- 13.4. Water Supplies.** In appropriate cases, the Fire Chief or Board may require the installation of sprinkler systems fire ponds, fire pumps and/or dry hydrants.
- 13.5. Distance to water supply.** Where public water is available, the maximum distances between hydrants shall be as shown in Table 13.5 or as required by the Uniform Fire Code, as amended. The Fire Department shall be consulted for verification.

Table 13.5. Maximum Distance to Water Supply

Occupancy	Sprinklered	Non-sprinklered
Residential (1 & 2 Family)	600 feet	500 feet
Residential (Multifamily)	400 feet	300 feet
All Others	500 feet	300 feet

Source: Table 903.4.2 1997, Uniform Fire Code

- 13.6. Fire Lanes.** Fire lanes are required for every commercial, industrial, public or semi-public building. A permanently designated open access roadway for fire apparatus, of ≤ 6 percent grade with an all-weather surface not less than 20 feet of unobstructed width and adequate turning radius, capable of supporting the loads of fire apparatus, having a minimum clearance of 13 feet 6 inches.

Easements are required to allow legal access for fire apparatus as deemed necessary. Physically, the area covered by the easement may just consist of an accessible area of reinforced turf, rather than a paved area.

Fire lanes should be clearly marked.

Structure design shall meet all applicable life safety codes.

Proper storage of flammables and combustibles in accordance with NFPA standards is required.

The Fire Chief or Fire Engineers shall be provided the location of flammable, combustible, or hazardous materials and any Material Safety Data Sheets prior to approval.

13.6.01. Fire Lanes may be required to be within 30 feet of a building if deemed necessary by the Fire Chief. A minimum of 5 foot wide unobstructed pathway shall be provided through all barriers, including rows of parked cars.

13.6.02. Fire Lane and access easements shall be provided to serve all buildings and any areas deemed necessary for emergency vehicle access.

13.6.03. Required "NO PARKING FIRE LANE" signs shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'-6") above finished grade. Signs shall be spaced not more than one hundred feet (100') apart. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief. *Exception:* At the Fire Chief's discretion, an exception to sign requirements may be granted where access to the property is limited or restricted.



13.6.04. Pavement Markings. Lines painted in red traffic paint, six inches (6") in width to show the boundaries of the fire lane. The words "NO PARKING FIRE LANE" shall appear in four inch (4") white letters at 25 feet intervals on the red border markings along both sides of the fire lanes.

13.6.05. Curb Marking. Painted in red traffic paint from the top seam of the curb to a point even with the driving surface. The words "NO PARKING FIRE LANE" shall appear in four inch (4") white letters at 25 feet intervals along the curb(s).

13.6.06. All fire lanes shall be maintained and kept in a good state of repair at all times by the owner.

13.7. Life Safety Code Standards. All entrances and exits shall be located so as to assure compliance with all applicable life safety standards.

13.8. Flammable and Combustible Liquids. All flammable and combustible liquids shall be contained and stored in accordance with the National Fire Protection Association's standard specifications. Location of all flammable, combustible and hazardous material storage shall be provided to the Fire Chief and/or Fire Engineers along with a copy of all required Material Safety Data Sheets (MSDS) prior to Fire Department approval.

Post approval procedures provide a way to ensure compliance with the site plan and any conditions of approval. They also ensure that necessary funds to guarantee project completion are provided.

Approved plans should be signed by the Chair of the Planning Board and filed with the registry of deeds within 30 days of approval or the plan will expire. Extensions may be granted for deadlines for good reason.

A copy of an approved plan should accompany any building permit application so that the Building Inspector is aware of the Planning Board's approval. All construction must comply with the approved plan, including any conditions.

All conditions of approval must be met prior to recording plans. Minor site plan conditions must be met prior to building permit issuance. All bonds or other requirements should be met prior to recording plans.

As-Built plans are required for any plan with greater than 20,000 S.F. of floor area, 50,000 SF. of impervious surface or which stormwater management devices will be constructed.

Pre-approval site inspections may be required by the Planning Board to best determine the land characteristics before engineering plans are detailed. Road centerlines, wetlands, existing bounds and test pit locations should be marked.

14. POST APPROVAL PROCEDURES.

14.1. Final Plat.

14.1.01. Recording. Upon a vote by the majority of the Planning Board to approve a site plan, the application shall be deemed to have final approval and the site plan shall be signed by the Chairperson of the Board and shall be filed with the Planning Board secretary and/or the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. In addition, the signed plan shall be recorded in the Hillsborough County Registry of Deeds (HCRD) within thirty (30) days of the vote to approve the plan. Plans are not valid until recorded at the registry of deeds. The Planning Board, by vote, may extend the filing period for good cause.

14.1.02. Incorporation of Approved Plan. One copy of the approved site plan shall be included with the application for the building permit for the project and all construction activities shall conform to the approved plan, including any conditions of approval and minor changes approved by the Town/City Engineer/Inspector/Code Enforcement Officer to address field conditions.

14.2. Conditions of Approval. All terms of a conditional approval shall be met as determined by the Planning Board in its affirmative vote on the motion for conditional approval, prior to recording of the plan at the HCRD. All other requirements, bonds and/or guarantee shall be in place prior to recording. For Minor Site Plans or amendments, the conditions of approval shall be met prior to the issuance of a building permit. Under no circumstance shall a certificate of occupancy be issued prior to all the terms of these regulations being met.

14.3. As-Built Plans Required. Any project involving the construction of more than twenty thousand (20,000) square feet of gross floor area, fifty thousand (50,000) square feet of impervious surface, or any Stormwater Management construction shall provide the Town/City Engineer and/or Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans shall be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building. A copy of this plan shall also be provided the Planning Board of their records.

14.4. Inspections and Site Visits. Prior to approval, site visits may be required by the planning board to better understand the features of the land and the relationship and effect of the proposed development on the land and the abutters. Proposed centerline to roads and/or accessways, test-pits, existing lot lines or other markings typical in the engineering process may be required prior to a site walk to aid the Board.

Engineering inspections for approved site plans shall commence the establishment of an escrow account or other account as outlined in the Section 3.6.3, *Technical Review Fees*, of these regulations as provided in

Money to cover inspections and reviews should be placed in escrow prior to the inspections in order to ensure that the community is not stuck with the bill. Payment for inspections or reviews should be disbursed monthly to the inspector in accordance with the fee schedule.

Smaller towns may accept cash or other secure methods instead of cumbersome escrow accounts.

A Certificate of Occupancy, allowing the occupation of the building for its stated purpose will not be issued unless the project is completed in accordance with the approved plans.

Reasonable secured funds may be required to ensure completion of all required on and off-site improvements. This section prevents the community from having to complete the improvements if the developer fails to do so.

The security will be released once an inspection confirms they are completed as required. A reduction in the guarantee will be granted for partially approved improvements. For example, the developer may construct part of a roadway to access a certain phase of the development. Once completed, the security for this section of roadway can be released.

RSA 676:4 I(g), *Boards Procedures on Plats*. In the case of inspections, funds are due prior to commencing site work or construction and not at the time of application. Funds from the account will be disbursed on a monthly basis upon satisfactory completion of service. Inspection reports shall be provided to the Board for their records. At any time the funds in this account are depleted to \$150.00 (one hundred-fifty), and prior to commencement of any new inspections, the account shall be replenished by the applicant to the full amount required in the Fee Schedule, as established by the Planning Board or Board of Selectmen/Aldermen.

The use of escrow accounts for engineering inspections is cumbersome on part time staff in smaller towns. Cash or other means of secure payment may be approved for short duration projects.

Upon written request by the applicant, any remaining funds in excess of \$5.00 (five) shall be returned to the applicant, provided the municipality receives documentation from the engineer/inspector that the project has been completed according to the approved plans and to the satisfaction of the project inspector. The building inspector shall not issue a Certificate of occupancy until all required improvements are constructed as shown on the approved site plan and any final inspections or approvals completed.

If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or Superior Court under RSA 595-B, *Administrative Inspection Warrants*.

14.5. Performance Guarantees.

14.5.01. Application. The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in Section 15.5.02 of these regulations, as is reasonably necessary to ensure the proper installation of all on and off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

Upon substantial completion of all required improvements, the developer shall notify the Planning Board, in writing, of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.

If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

The Planning Board and the community's Attorney approve the forms of guarantee. The community's Engineer can determine the amount of the security. Acceptable forms of guarantee are Security Bond, Letter of Credit and Escrow Account. Cash may be substituted for other forms of guarantee.

The town/city's authorized representative (usually the Engineer) may grant minor changes from an approved site plan in order to address field conditions. The plan's intent, standards and compliance are not affected by these changes.

Major changes to site plans shall require a formal hearing with proper legal and abutter notification. Review and approval of major changes is required.

As authorized by RSA 674:39, Four Year Exemption, if specific milestones have been reached within 12 months of the date of plan approval, the site plan is vested (protected) for 4 years from any changes in the zoning ordinance and these regulations, except for public health standards, under

It is important for the Planning Board to define those milestones, otherwise this section is difficult to enforce.

14.5.02. *Form of Guarantee.* Performance guarantees may be provided by a variety of means that shall be approved as to form and enforceability by the Planning Board and Municipal Attorney. Acceptable forms of performance guarantees include:

- a. Security Bond: The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- b. Letter of Credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- c. Escrow Account: The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account shall require town/city approval for withdrawal and shall stipulate that the town/city can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.
- d. Cash may be substituted for other forms of guarantee.

14.6. Minor Changes to Approved Plans. Minor changes in approved plans necessary to address field conditions may be approved by the Town/City Engineer/Inspector/Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. The Town/City Engineer/Inspector/Code Enforcement Officer shall endorse any such change in writing on the approved plan.

14.7. Major Changes to Approved Plans. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except for minor changes that do not affect approval standards, are subject to review and approval in a formal public hearing after proper abutter notification. Engineering and studies applicable to the new site plan may be resubmitted in order to reduce cost to the applicant, at the Boards discretion.

14.8. Expiration of Approved Plans (Vesting). In accordance with RSA 674:39, *Four Year Exemption*, site plan approvals shall become vested from subsequent changes to zoning ordinances and regulations for a period of four (4) years, provided active and substantial development as defined by the Planning Board, has occurred within twelve (12) months of the date of final approval, the exception being those ordinances and regulations which expressly protect public health standards. If site development and/or construction have not been substantially commenced within twelve (12) months, the plan shall not be vested and is subject to changes in zoning and regulations. If site development and/or construction are not completed within four (4) years from the date of site plan approval, the approved plan shall be null and void. At this point, the applicant may reapply for site plan approval. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in

Under RSA 676:4-a, Revocation of Recorded Approval, a plan may only be revoked for specific reasons detailed in the statute

The Board of Selectmen/ Aldermen, Code Enforcement Officer or other authorized agents are responsible for enforcement of these regulations.

The enforcement authority should send written notice of violations by certified mail if it is determined that a site is not in compliance with approved plans or regulations and is not an immediate health threat.

The Notice of Violation shall: State the reason for the violation, specify the action(s) needed to comply, state the deadline for complying and be provided to the property owner. A copy should be kept in the Planning Board files.

Failure to comply may require issuance of a Cease and Desist Order, under RSA 676:17-a, Local Land Use Citations, or other appropriate action.

writing and shall be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances and regulations in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

14.9. Revocation of Approved Plans. In accordance with RSA 676:4-a *Revocation of Recorded Approval*, a subdivision, plat, street plat, site plan or other approval which has been filed with the appropriate recording official, under RSA 674:37, *Recording of Plats*, may not be revoked by the planning board in whole or in part except as detailed in the statute. Failure to conform to the statements, plans or specifications upon which an approval was based; failure to provide adequate security; failure to meet conditions of approval within the time period set forth in the approval, or if no time period was set, then the time periods specified in RSA 674:39, *Four Year Exemption*, are grounds for revocation under RSA 676:4-a.

15. ENFORCEMENT.

15.1. General. These regulations shall be enforced by the Board of Selectmen, Code Enforcement Officer or other duly authorized agent, or as otherwise set forth in statute or zoning ordinance.

15.2. Written Notice of Violation. A written notice of violation shall be issued to the property owner by registered mail from the Board of Selectmen or their designated agent if they determines that conditions at the site are in violation of any of the requirements of these regulations or plans approved under these regulations and that the violation is not an immediate threat to public health and safety. The Notice of Violation shall:

- a. Specify the actions or conditions which violate the requirements of these regulations or plans approved under these regulations;
- b. Identify what needs to be done to correct the violation(s);
- c. Specify a reasonable time frame within which the violation will be corrected;
- d. Be provided to the property owner with a copy to be kept in the official records of the (local land use board or local administrator).

Enforcement action may include, *Cease and Desist Orders*, in accordance with RSA 676:17-a, RSA 676:17-b, *Local Land Use Citations; Pleas by Mail*, or other legal remedies available to the municipality.

Under RSA 676:5 III, Appeals to Board of Adjustments, any decision or action based on zoning ordinances or their interpretation, while reviewing subdivision or site plans may be appealed to the Zoning Board of Adjustments (ZBA), provided it would be appealable if the action was made by an agent of the town. A ZBA appeal is not permitted when Planning Board decisions are based on authority granted under RSA 674:21, Innovative Land Use Controls. In these cases, appeals must be made to the Superior Court, as provided in RSA 677:15, Court Reviews.

Under RSA 677:15 I, any person who has reason to appeal, may file a petition with the superior court stating the illegality or unreasonableness of the decision. The petition must also state specific legal grounds for the appeal.

Under RSA 674:43, Powers to Review Site Plans, if the application was reviewed by the Minor Site Plan Committee, then any appeals of the Committee decisions and actions are appealable to the Planning Board if filed within 20 days.

16. APPEALS.

- 16.1.** In accordance with RSA 676:5 III, *Appeals to Board of Adjustments*, if in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the Board of Adjustment if it had been made by the administrative officer, then such decision may be appealed to the Board of Adjustment under this Section; provided, however, that if the zoning ordinance contains an innovative land use control adopted in accordance with RSA 674:21, *Innovative Land Use Controls*, which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15, *Court Reviews*.
- 16.2.** In accordance with RSA 677:15 I, any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable.
- 16.3.** In accordance with RSA 674:43, *Powers to Review Site Plans*, if the Planning Board has delegated its site review powers for minor site plans to the Minor Site Plan Review Committee, and furthermore has granted the power to approve or disapprove site plans to that Committee, then a decision made by the Committee may be appealed to the full Planning Board. Any appeal shall be filed within 20 days of the committee's decision.

Violation of these regulations is considered a misdemeanor and fines are applicable.

Under RSA 502-A:11-a, Criminal Cases, District Courts, a local official may begin action in either district or superior court. They can charge an offense or violation at their discretion. Penalties are limited to those under RSA 651:2, Sentences and Limitations.

The seperability clause basically means that if one part of these regulations are deemed invalid, then the remainder is still valid.

Amendments to these regulations require a public hearing after proper legal notice, in accordance with RSA 567:7, Notice Requirements for Public Hearings. Adoption requires a majority vote of the Planning Board

These regulations take effect upon filing signed copies with the Town or City Clerk. It is also a good idea to track the amendments in an Appendix.

17. FINES AND PENALTIES.

- 17.1.** In accordance with RSA 676:17 I, *Fines and Penalties*, any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title:
- a. Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.
 - b. Shall be subject to a civil penalty not to exceed \$275 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier.
- 17.2.** The building inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title may commence an action under paragraph I either in the district court in accordance with RSA 502-A:11-a, *Criminal Cases, District Courts*, or in the superior court. The prosecuting official in the official's discretion may, prior to or at the time of arraignment, charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2, *Sentences and Limitations*, and the civil penalty provided in subparagraph II(b) of this Section. The provisions of this Section shall supersede any inconsistent local penalty provision.

18. SEPERABILITY.

The invalidity of any Section or provision of these regulations shall not have any effect upon the validity of any other Section or provision.

19. AMENDMENTS.

In accordance with RSA 675:6 *Method of Adoption*, the Planning Board, following a public hearing on the proposed amendment, may adopt or amend site plan review regulations by an affirmative vote of the majority of its members. Notice of the time and place of the hearing shall be provided in accordance with RSA 675:7. No regulation amendment shall take effect until copies of it are certified by a majority of the board and filed with the town/city clerk.

Chairman, Planning Board

Date

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